

In The Matter of:  
Ronald M. Lisan, M.D.  
VS  
Robert Wilke, etc.

---

Susan M. Fuehrer (Vol I)

April 02, 2019

Deposition

---



1660 West 2 <sup>nd</sup> Street, Suite 780	50 South Main Street, Suite 720
Cleveland, Ohio 44113	Akron, Ohio 44308
216.241.9000	330.535.7300
216.621.0050 Fax	

---

[www.MandH.com](http://www.MandH.com)

[Schedule@MandH.com](mailto:Schedule@MandH.com)

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO - EASTERN DIVISION

RONALD M. LISAN, M.D.,

Plaintiff,

JUDGE PATRICIA A. GAUGHAN

-vs-

CASE NO. 1:18-CV-00969

ROBERT WILKE, ACTING SECRETARY  
OF THE UNITED STATES DEPARTMENT  
OF VETERANS AFFAIRS,

Defendant. VOLUME I

- - - -

Deposition of SUSAN M. FUEHRER, taken as if  
upon cross-examination before Pamela S.  
Greenfield, a Certified Realtime Reporter,  
Registered Diplomate Reporter and Notary Public  
within and for the State of Ohio, at the offices  
of Sindell & Sindell, LLP, 23611 Chagrin  
Boulevard, Suite 227, Beachwood, Ohio, at  
1:43 p.m. on Tuesday, April 2, 2019, pursuant to  
notice and/or stipulations of counsel, on behalf  
of the Plaintiff in this cause.

- - - -

MEHLER & HAGESTROM  
Court Reporters

CLEVELAND	AKRON
780 Skylight Office Tower	720 Akron Centre Plaza
1660 West 2nd Street	50 South Main Street
Cleveland, Ohio 44113	Akron, Ohio 44308
216.241.9000	330.535.7300
FAX 216.621.0050	

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**2**

1 APPEARANCES:

2 Steven A. Sindell, Esq.  
3 Rachel Sindell, Esq.  
4 Sindell & Sindell, LLP  
5 23611 Chagrin Boulevard  
6 Suite 227  
7 Beachwood, Ohio 44122  
8 (216) 292-3393  
9 Info@SindellAttorneys.com,

10 On behalf of the Plaintiff;

11 Lisa Hammond Johnson, Esq.  
12 Ruchi Asher, Esq.  
13 Assistant United States Attorney  
14 U.S. Department of Justice  
15 United States Attorney's Office  
16 Northern District of Ohio  
17 United States Court House  
18 801 West Superior Avenue  
19 Suite 400  
20 Cleveland, Ohio 44113  
21 (216) 622-3679  
22 Lisa.hammond.johnson@usdoj.gov  
23 Rushi.Asher@usdoj.gov,

24 On behalf of the Defendant.

25 ALSO PRESENT:

Ronald Lisan, M.D.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**3**

W I T N E S S I N D E X

PAGE

CROSS-EXAMINATION  
SUSAN M. FUEHRER  
BY MR. SINDELL

4

E X H I B I T I N D E X

EXHIBIT

PAGE

Plaintiff's Exhibit 31, 1/6/17  
Sindell letter to Fuehrer/Altose

38

Plaintiff's Exhibit 32, 3/19/19  
Elaine Costanzo deposition transcript

62

Plaintiff's Exhibit 33, 1/10/17  
"Sexual Harassment Allegation  
Checklist (Alleged Harasser)"

82

Plaintiff's Exhibit 34, Reports of  
Contact

88

Plaintiff's Exhibit 35, "Sexual  
Harassment Allegation Checklist  
(Alleged Victim)" form

97

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**4**

SUSAN M. FUEHRER, of lawful age, called by  
the Plaintiff for the purpose of  
cross-examination, as provided by the Rules of  
Civil Procedure, being by me first duly sworn, as  
hereinafter certified, deposed and said as  
follows:

CROSS-EXAMINATION OF SUSAN M. FUEHRER

BY MR. SINDELL:

**Q. Ms. Fuehrer?**

A. Yes.

**Q. Did I pronounce that correct?**

A. Yes, you did.

**Q. Correctly?**

A. Yes.

**Q. I'm just going to say for the record this case is  
the case of Lisan versus Wilkie in the United  
States District Court of the Northern District of  
Ohio, Eastern Division. This is the deposition  
of Ms. Susan Fuehrer. Present today in addition  
to myself and the court reporter is our witness,  
Ms. Fuehrer; my client, Ronald Lisan; counsel  
Ruchi Asher and -- that's U.S. Attorney Ruchi  
Asher and U.S. Attorney Lisa Hammond Johnson.**

I'm not sure that we can finish this  
deposition in three hours. I'll do my very best

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

5

1 but in any event, you had indicated off the  
2 record you've had a couple of depositions but let  
3 me give you a couple of just very basic ground  
4 rules which counsel's probably shared with you  
5 anyway; but if I ask you a question, Ms. Fuehrer,  
6 that you don't fully understand or need  
7 clarification about, please don't answer it. Let  
8 me know what your issue with the question is and  
9 I'll try to clarify it.

10 If you answer a question, I'm going to assume  
11 that you understood it. Fair enough?

12 A. Yes.

13 Q. I'm glad you used a whole word yes because  
14 there's a tendency sometimes to say um-hmm or  
15 huh-huh or something like that in answer to a  
16 question and that creates, can create an accuracy  
17 problem for the court reporter; so you should try  
18 to use a full word like yes or no to answer a  
19 question and I'll remind you if there's a  
20 problem. Okay?

21 A. Okay.

22 Q. And I don't have to remind you you're under oath.  
23 Is that clear?

24 A. I understand.

25 Q. Sure.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

6

1 I am Steve Sindell, as you probably figured  
2 out. I represent Dr. Lisan; is that correct?

3 A. To the best of my knowledge, yes.

4 Q. You understand that?

5 A. Yes.

6 Q. All right. Would you state your full name for  
7 the record, please.

8 A. Susan M. Fuehrer. F-U-E-H-R-E-R.

9 Q. And where do you live, Ms. Fuehrer?

10 A. I live in Westlake, Ohio.

11 Q. And what is your address?

12 A. 2077 Waters Edge Drive, Westlake, Ohio.

13 MR. SINDELL: Off the record.

14 - - - -

15 (Thereupon, a discussion was had off the  
16 record.)

17 - - - -

18 Q. Back on the record.

19 How long have you lived there?

20 A. Well, 12 years.

21 Q. Did you grow up in Cleveland?

22 A. No.

23 Q. Whereabouts?

24 A. I graduated high school in Connecticut. We had a  
25 second home in New Hampshire. I went to

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**7**

1           undergraduate school in New Hampshire. My father  
2           worked for Moen faucets which is based in Ohio,  
3           Cleveland, Ohio.

4       **Q. Your father was?**

5       A. Worked for Moen faucets.

6       **Q. Okay. What is that?**

7       A. Moen is M-O-E-N. It's a faucet company.

8       **Q. Oh, okay.**

9       A. And his brother got sick.

10      **Q. Well, you're going beyond my question.**

11      A. Okay.

12      **Q. I don't need that much detail.**

13                You say you did your undergraduate, meaning  
14      college?

15      A. Yes.

16      **Q. And where was that?**

17      A. University of New Hampshire.

18      **Q. When did you graduate from college?**

19      A. 1986.

20      **Q. And how about high school?**

21      A. Tolland, Connecticut, T-O-L-L-A-N-D.

22      **Q. But when was the --**

23      A. 1981.

24      **Q. And you obtained a degree from the University of**  
25      **New Hampshire, I assume?**



**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**8**

1 A. Yes.

2 Q. And what was that?

3 A. Bachelor of Science.

4 Q. That's a B.S. degree, okay.

5 Do you have any other formal degrees beyond  
6 that?

7 A. Yes.

8 Q. Please.

9 A. I graduated from from Case Western Reserve with  
10 an MBA in 1990.

11 Q. You're married?

12 A. Yes.

13 Q. And your husband's name is?

14 A. Russell J. Fuehrer, the Third.

15 Q. Children?

16 A. No.

17 Q. Is Russell employed outside the home?

18 A. Yes.

19 Q. What does he do?

20 A. He is the general manager for Dove Die &  
21 Stamping.

22 Q. What is that?

23 A. A stamping company.

24 Q. Stamping?

25 A. Metal stamping.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

9

1 Q. Was that in the Cleveland area?

2 A. Yes.

3 Q. I would like just a brief description of your  
4 work history.

5 Let me start after your -- well, you  
6 graduated from college.

7 Did you go directly into Case after New  
8 Hampshire? University of New Hampshire?

9 A. I started working at the VA in the, in May of  
10 1986.

11 Q. In what capacity?

12 A. As a student intern.

13 Q. And was that the Cleveland VA?

14 A. It was the Brecksville VA.

15 Q. Oh, that's right. They had two of them at that  
16 time?

17 A. Correct.

18 Q. I remember that.

19 And how long did you work as a student  
20 intern?

21 A. For a couple years and then I was promoted to a  
22 program analyst for a couple years and --

23 Q. Slow down.

24 Go ahead.

25 A. And then I was an EEO manager.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

10

1 Q. And when were you an EEO manager, what years  
2 approximately?

3 A. Approximately 1987 to 1989.

4 Q. What did you do as an EEO manager?

5 A. It was a collateral assignment back then so I was  
6 still a program assistant but I did informal  
7 counseling for employees that filed EEO  
8 complaints.

9 Q. What do you mean by "informal counseling"?

10 A. Prior to an employee going, filing an official  
11 formal complaint.

12 Q. Did -- a formal complaint, when you use that  
13 phrase, is a kind of an official step internally  
14 at the VA as a first step to file an EEO  
15 complaint; is that correct? If you want to make  
16 an EEO complaint a formal one, that's done within  
17 the facility? Maybe it wasn't back then. I  
18 don't know.

19 A. So it's with the Office of Resolution Management  
20 now. It wasn't, there was not an Office of  
21 Resolution Management back then.

22 Q. I see. Okay. Sorry about that.

23 In any event, it was something that was  
24 investigated locally, wasn't it? At some level?

25 A. Yes.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

11

1 Q. And that would typically be within the facility  
2 or maybe back then in facilities because there  
3 was more than one; is that correct?

4 A. Yes, sir.

5 Q. Okay. Now, when you say counseling prior to a  
6 formal complaint, did this include efforts to  
7 resolve whatever EEO complaint existed on the  
8 part of an employee with an eye toward avoiding a  
9 formal complaint?

10 A. So 30 years ago, so we're talking some time,  
11 prior to the Office of Resolution Management  
12 where the Office of Resolution Management now has  
13 EEO counselors that do a preliminary, you know,  
14 not one side versus the other, a preliminary  
15 summary of the events and that was my role at  
16 that time.

17 Q. I see. Okay. Now, there have developed some --  
18 well, let's find out about your employment so you  
19 can continue to --

20 A. So --

21 Q. Go ahead.

22 A. As an EEO counselor, that was a collateral duty.

23 Q. Sure.

24 A. That was a program assistant.

25 I then took on supervising coders, billing

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

12

1 coders in 1989.

2 Subsequent to that --

3 **Q. Was this here in Cleveland?**

4 A. Yes. All in Cleveland.

5 **Q. Have you been entirely in Cleveland?**

6 A. Almost. We'll get there.

7 **Q. Okay.**

8 A. So I supervised the ICD-9 coders.

9 **Q. What is that?**

10 A. They are people that go through the medical  
11 record and identify diagnoses and then put it in  
12 a database so the people can bill or you can use  
13 it for research.

14 Subsequent to that, I became the chief of IT,  
15 information technology, and subsequent to that --

16 **Q. What year were you chief of IT?**

17 A. Probably 1991 or so. '92.

18 **Q. Was that the advent of the Internet?**

19 A. Might have been a little bit before the Internet  
20 but the VA has a strong history of electronic  
21 medical record.

22 **Q. Okay.**

23 A. Subsequent to that I was in charge of quality  
24 management as well as IT.

25 **Q. What is quality management?**

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**13**

1 A. Quality management oversees the quality --  
2 patient safety quality activities of the hospital  
3 so Joint Commission accreditation, external  
4 reviews, patient safety complaints.

5 **Q. Okay.**

6 A. And in approximately 1996 or so I became the  
7 chief information officer for the region which is  
8 the State of Ohio and it was called VISN 10,  
9 Veterans --

10 **Q. Hold on. Chief information officer. Can you**  
11 **define, just describe the job for me a little**  
12 **bit?**

13 A. Sure. So it was for the five VA facilities in  
14 the State of Ohio and I oversaw all information  
15 technology to include phones, computer systems,  
16 software.

17 **Q. So it was kind of a broader IT kind of function?**

18 A. Correct.

19 **Q. What years were you CIO? Is that what they**  
20 **called you, chief --**

21 A. Yes.

22 **Q. Can you give me a time frame approximately?**

23 A. Can I have a piece of paper? I have to go  
24 backwards.

25 **Q. If you had brought a resumé, it would have been**

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**14**

1           **helpful.**

2       A.   Yes, I should have.

3       **Q.   Well, I asked your counsel to do that for you.**

4       A.   Oh, I'm sorry. I didn't know that.

5               So it was probably until about 2000 that I  
6       was the chief information officer.

7       **Q.   So from '90 --**

8       A.   '4 to 2000.

9       **Q.   How about after that?**

10      A.   I became the chief operating officer at the  
11      Cleveland VA.

12      **Q.   Now, at that point it was just Louis Stokes?**

13      A.   Correct. Well, it was still Brecksville and  
14      Louis Stokes.

15      **Q.   Oh, it was?**

16      A.   Yes. And 16 other locations.

17      **Q.   Okay. When you say the Cleveland VA, are you**  
18      **talking about the two facilities?**

19      A.   And the outpatient clinics, yes.

20      **Q.   Oh, all over the place?**

21      A.   Yes.

22      **Q.   In the Cleveland area?**

23      A.   Yes.

24      **Q.   Okay. Understood. That's got to be a pretty**  
25      **broad job, COO?**

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

15

1 A. Yes.

2 Q. Covered a lot of things? Okay.

3 As the COO -- well, why don't you give me the  
4 years. I assume it started around 2000,  
5 something like that?

6 A. Yes. 2000 to 2010 approximately.

7 Q. Okay. So that's ten years.

8 Did you have responsibilities as COO for any  
9 aspects of reasonable accommodation requests?

10 A. Those have historically fallen under the EEO  
11 manager which fell under the director.

12 Q. So --

13 A. No.

14 Q. Okay. That's what I was looking for.

15 All right. What about EEO complaints for  
16 discrimination, retaliation, hostile work  
17 environment, harassment, and such?

18 A. For those administrative services that fell under  
19 my control.

20 Q. Okay. So you had ten years of involvement with  
21 EEO but not necessarily reasonable accommodation?

22 A. Not unless they fell within my direct role, yes.

23 Q. Okay. So a number of protocols existed --  
24 withdrawn.

25 From 2000 to 2010 we're talking about; is



**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

16

1       that correct?

2       A.   Approximately.

3       Q.   Approximately, okay.

4               During that period of time you had to be  
5       familiar with the various protocols and systems  
6       and rules, handbook provisions, regulations  
7       pertaining to EEO matters in general. Is that  
8       correct?

9       A.   Yes.

10      Q.   In fact would you consider EEO to have been  
11      during that ten-year period a significant part of  
12      your job as COO?

13      A.   No.

14      Q.   It represented a small aspect of it; is that  
15      correct?

16      A.   Yes.

17      Q.   What was the nature of your involvement in EEO  
18      matters when you were COO?

19      A.   When I was COO, my involvement was if someone had  
20      an EEO complaint against me or one of my direct  
21      subordinates.

22      Q.   Okay. And your direct subordinates would be who?

23      A.   Chiefs of departments: Chief of logistics.  
24      Chief of fiscal. Chief of supplies.

25      Q.   These are relatively high positions in

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

17

1 management; are they not?

2 A. Yes.

3 Q. How about department heads or chairs? Would that  
4 have been part of your responsibilities as COO in  
5 EEO matters, if complaints were made against  
6 them?

7 A. We call them service chiefs in the VA.

8 Q. Okay. Dr. Raphaely is a service chief?

9 A. Yes.

10 Q. What would Dr. Altose have been?

11 A. Chief of staff.

12 Q. Is that a service chief or somebody else?

13 A. He's higher than a service chief.

14 Q. It's interesting, I've been referring to what  
15 you're calling a service chief, which is the  
16 first time I've heard that term applied, to be  
17 honest with you, as the department chair, the  
18 chair of the anesthesiology department or head of  
19 the anesthesiology department.

20 I would like to be able to continue to use  
21 that because I probably can't help myself.

22 Would you be able to understand that I'm  
23 talking about Dr. Raphaely in that capacity?

24 A. Yes.

25 Q. Okay. Good. I don't think I can make the

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

18

1 switch.

2 Fair enough.

3 Would somebody like Dr. Raphaely in that  
4 position, chair of the department of  
5 anesthesiology, be the kind of person that you  
6 would be responsible for as COO in your EEO  
7 capacity?

8 A. No.

9 Q. So she would be too low for that?

10 A. She would report to Dr. Altose, the chief of  
11 staff who is responsible for all the clinical  
12 service chiefs/department heads.

13 Q. So Altose would be the direct report to you then?

14 A. Not as chief operating officer.

15 Q. As chief of staff? Chief of the medical staff,  
16 correct?

17 A. The chief of the medical staff does not report to  
18 the chief operating officer in the VA.

19 Q. I got you. Okay.

20 Then in 2010 did your position change?

21 A. Yes.

22 Q. What did you become at that point?

23 A. I became the medical center director or the CEO.

24 Q. Does anybody use the term executive director?

25 A. They use lots of terms. If you want to call it

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

19

1 executive director, that's fine.

2 Q. I may do that but that's what I'm talking about.

3 Or medical director.

4 So approximately what date did you become  
5 medical director?

6 A. September 28th, 2010.

7 Q. And you have been continuously in that position  
8 since September 28th, 2010?

9 A. Yes.

10 Q. To and including the present time?

11 A. Yes.

12 Q. And that is still your position now?

13 A. Yes.

14 Q. You said something about there was a point in  
15 time when you weren't at the VA and we would get  
16 to it but I don't think we got to it.

17 A. When I was the chief information officer for the  
18 five facilities in Ohio, I reported to a regional  
19 director in Cincinnati and I actually worked in  
20 Cincinnati.

21 Q. But you were still connected to the VA?

22 A. Yes.

23 Q. Oh, okay.

24 A. I thought you said had I been in Cleveland the  
25 entire time and I had not been in Cleveland the

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

20

1 entire time.

2 Q. I might have said that. Okay. I understand.

3 Now I'd like to ask you if there's been any  
4 significant change in any of the protocols,  
5 procedures, rules, regulations for handling EEO  
6 complaints since December 2016 to the present  
7 time?

8 A. I would not consider anything significant to  
9 change.

10 Q. That's a very good answer. I appreciate that.

11 So assuming then that in material ways  
12 everything's been the same, I can ask you a  
13 question that would have applied from December  
14 2016 to the present time in that regard, rules,  
15 regulations, procedures, protocols for EEO  
16 complaints?

17 A. Yes.

18 Q. Now, if -- withdrawn.

19 Have you had an opportunity to discuss any of  
20 these issues with your counsel before you came  
21 here? I don't want to know what you said, just  
22 whether you had a chance to consult them?

23 A. Briefly.

24 Q. Did you do anything else to prepare for this  
25 deposition?

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

21

1 A. No.

2 Q. Did you read any of the documents connected with  
3 this case to refresh your recollection? You may  
4 have previously but I mean just for preparing  
5 for --

6 A. No.

7 Q. -- the testimony?

8 Got to let me finish, even if you know what  
9 the question is. And if I interrupt you, by the  
10 way, you let me know, too.

11 I don't mean to. Sometimes I do maybe, but,  
12 okay, back on the record.

13 Now, part of the nature of this case --  
14 withdrawn.

15 As medical director of the entire Cleveland  
16 VA, would that be a correct statement of your  
17 title?

18 A. No.

19 Q. The description?

20 A. I would like to clarify.

21 Q. Sure.

22 A. I do not -- while the chief of staff reports to  
23 me, there is a difference of medical oversight,  
24 which is the chief of staff functions, from the  
25 chief executive officer. I do not have direct

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

22

1 involvement in medical executive decisions,  
2 medical executive committee decisions since I am  
3 not a physician.

4 Q. Okay. Now, I guess my question would be this:  
5 Do you have under your scope of responsibility as  
6 CEO of the Cleveland VA reasonable accommodation  
7 issues?

8 A. Yes.

9 Q. Even though obviously that involves to some  
10 extent medical things?

11 A. Yes.

12 Q. And I am certain that you'll answer yes to the  
13 same, which is EEO matters; is that correct? In  
14 your capacity as CEO that also comes within your  
15 purview and scope of responsibility; is that  
16 correct?

17 MS. ASHER: Objection. Go ahead.

18 Answer.

19 A. So the Office of Resolution Management has broad  
20 oversight over all EEO related matters.

21 Q. Right.

22 A. For initial EEO prior to formal, I do have  
23 oversight at the Cleveland VA.

24 Q. Okay. And when you say "prior to formal," please  
25 define formal for me.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**23**

1 A. So I don't have the policy directly in front of  
2 me. Formal is when an employee elects with the  
3 Office of Resolution Management to have them  
4 formally investigate their case, at which time  
5 then it is an Office of Resolution Management  
6 issue, not a medical center issue.

7 Q. Okay. So before it gets filed as a formal  
8 complaint -- withdrawn.

9 The formal complaint is something that needs  
10 to be filed, if you know this, within  
11 approximately 45 days and maybe exactly 45 days  
12 of the occurrence that gave rise to the  
13 complaint.

14 Is that your understanding or don't you know  
15 that?

16 A. I believe it is 45 days. I'm not going to quote  
17 it's 45 days.

18 Q. I understand but I mean there's a time period  
19 something like that?

20 A. There is a designated time period.

21 Q. Okay. But it's in that range. I mean something  
22 like that. It's not a year or something like  
23 that?

24 A. Correct.

25 Q. Now, by the way, it's 45 days. Okay?



**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

24

1 Prior to the filing of a formal complaint by  
2 an employee with the ORM, Office of Resolution  
3 Management, you seemed to be indicating you have  
4 some responsibility under the scope of your job  
5 as CEO; is that correct?

6 MS. ASHER: Objection. Go ahead  
7 and answer.

8 A. My scope is limited to being notified that there  
9 is an employee that is considering to file an EEO  
10 from the EEO manager. I get that information  
11 from the EEO manager.

12 Q. Okay. But you are familiar with in general the  
13 procedures that go on before the filing of a  
14 formal complaint; is that correct? You have some  
15 idea of that period of time irrespective of your  
16 direct involvement. You know what's supposed to  
17 go on?

18 A. Yes.

19 Q. Okay. And you're familiar with the rules and  
20 regulations that would govern a supervisor or  
21 head of a department receiving that kind of a  
22 complaint that fits into an EEO category, right?

23 A. Yes.

24 Q. Okay. I didn't hear you.

25 A. Yes.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

25

1 Q. That's okay.

2 - - - -

3 (Thereupon, a discussion was had off the  
4 record.)

5 - - - -

6 Q. Back on the record.

7 All right. Now I'm going to concentrate on  
8 the department of anesthesiology at the VA, at  
9 the Louis Stokes VA and when I say VA now, I mean  
10 Louis Stokes unless otherwise indicated so we're  
11 clear. Okay?

12 A. Understood.

13 Q. Good.

14 Now, you are aware I'm sure that among the  
15 employees in the department of anesthesiology,  
16 there are CRNAs, certified registered nurse  
17 anesthesiologists?

18 DR. LISAN: Anesthetists.

19 Anesthetists.

20 Q. Anesthetists. Sorry.

21 See I am not a doctor. Well, I am  
22 technically.

23 A CRNA, okay?

24 And there are anesthesiologists who are  
25 physicians, M.D.s, D.O.s, that type of thing,

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

26

1 correct?

2 A. Yes.

3 Q. And others, techs and things like that, right?

4 A. Yes.

5 Q. If a CRNA believes that there has been an  
6 inappropriate verbal communication giving rise to  
7 some kind of EEO issue and -- excuse me. Issue,  
8 that employee has a right to take it to the  
9 chairperson of the department of anesthesiology  
10 in this case, correct?

11 A. Every employee has the right to raise an issue of  
12 concern.

13 Q. But I'm talking about with whom.

14 In the anesthesiology department an issue of  
15 concern, as you put it, can be brought to the  
16 chairperson of the department of anesthesiology.  
17 Is that correct?

18 A. Yes.

19 Q. They can also bring it to -- withdrawn.

20 Do you know who Robert Bearss is,  
21 B-E-A-R-S-S?

22 A. No.

23 Q. He's the lead person or head of the group of  
24 CRNAs, he himself is a CRNA and he reports  
25 directly like the others to Dr. Raphaely as the

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

27

1 chair.

2 That's who he is.

3 A. Okay.

4 Q. A CRNA could go to him as well with a complaint  
5 about an EEO concern, correct?

6 A. Yes.

7 Q. Now let's take the, at this point these are  
8 hypothetical questions but you might suspect they  
9 have something to do with this case hopefully.

10 When a supervisor receives information of  
11 that nature from a CRNA as an example, what  
12 should he or she as the chair of the department  
13 of anesthesiology do, if anything, at that point?

14 MS. ASHER: Objection. Go ahead  
15 and answer.

16 A. Can you clarify your specific question?

17 Q. Okay. What is it you don't understand about it?

18 A. What kind of issue?

19 Q. Okay. I'll be more specific then.

20 Let's say that a CRNA complained that an  
21 anesthesiologist made a statement to her in  
22 conversation that made her uncomfortable?

23 A. Okay.

24 Q. She did not relate it to the anesthesiologist  
25 that she was uncomfortable but instead spoke with

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

28

1 the chair of the department about it. In this  
2 case, Dr. Raphaely.

3 Does that clarify it for you?

4 A. Yes.

5 Q. Okay. What if anything should Dr. Raphaely do or  
6 say?

7 A. So if the complaint was sexual in nature, you  
8 know, I guess the first step would be to get a  
9 report of contact from the employee to understand  
10 the specifics and that could be a verbal or a  
11 discussion.

12 Depending on the specific situation,  
13 Dr. Raphaely has a responsibility to review and  
14 either do an informal investigation herself or  
15 speak to the EEO counselor so that the EEO  
16 officer can do a review.

17 Q. You said if it's in the nature of sexual  
18 harassment. Did you say that just now in your  
19 answer?

20 A. Yes.

21 Q. What if it isn't pertaining to sexual harassment?

22 A. This is where I was asking for the clarification  
23 and I don't want to get into a hypothetical  
24 discussion because lots of things happen in the  
25 hospital.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

29

1           If someone goes to Dr. Raphaely and says an  
2           anesthesiologist didn't like the color of my  
3           hair, that would be a different response than  
4           something else. That's why I was asking for  
5           clarification.

6       Q.   Okay. That's fine.

7           Let's say that it's not sexual in nature but  
8           simply has to do with a remark or question about  
9           how somebody's marriage is going, not about  
10          sexual aspects of it but just how's your marriage  
11          or my marriage isn't going well. How's your  
12          marriage going, that type of thing.

13                       MS. ASHER: Objection.

14       Q.   I haven't finished. I haven't even asked a  
15          question yet. Of course I don't know why you'd  
16          be objecting either, but my question is: Did you  
17          follow it up to that point, the preamble?

18           Okay. In a situation you like that, what  
19          kind of response or action or statement would you  
20          consider should be taken by the head of the  
21          department?

22                       MS. ASHER: Are you done?

23                       MR. SINDELL: Yes.

24                       MS. ASHER: Objection. You may  
25          answer.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**30**

1 A. I would think it highly inappropriate for a  
2 professional to be asking another employee about  
3 their marriage.

4 Q. Why?

5 MS. ASHER: Objection. You may  
6 answer.

7 Q. Why? Wouldn't it -- well, let me ask you this:  
8 I'll withdraw that.

9 Wouldn't it depend on their relationship?  
10 What if they're close friends? That's possible,  
11 isn't it?

12 A. I can tell you no one including my close friends  
13 has asked me about my marriage relationship at  
14 work.

15 Q. Oh, at work. Okay.

16 I don't really care what your experience has  
17 been at work.

18 But the fact of the matter is that people can  
19 be friendly at work and talk about all kinds of  
20 things that have nothing to do with work during  
21 down time. Wouldn't you agree with that? All  
22 kinds of conversations? All kinds of subjects,  
23 personal, impersonal and in between?

24 A. There is a --

25 MS. ASHER: Sorry. Objection. Go

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

31

1 ahead.

2 Q. Wouldn't you agree with that general statement?

3 A. No.

4 Q. No. Okay.

5 Nobody can talk about anything personal at  
6 work even if they're not working at the time?

7 MS. ASHER: Objection. Go ahead  
8 and answer.

9 A. There is a code of conduct and employees go  
10 through employee training, and discussions at  
11 work should remain professional.

12 Q. I see. So if somebody wants to for example talk  
13 about their kids and what they were doing over  
14 the weekend, that would be contrary to the code  
15 of conduct?

16 A. I view there's a difference between what someone  
17 elects to tell someone and what someone asks.

18 Q. Well, you didn't make that distinction until just  
19 now?

20 A. I apologize.

21 Q. Okay. So nobody should ever bring up, then,  
22 something like what they were doing with their  
23 kids over the weekend at a coffee break in the  
24 CRNA lounge.

25 Is that your testimony?



**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**32**

1 MS. ASHER: Objection. Asked and  
2 answered.

3 **Q. Anything like that would be contrary to the code**  
4 **of conduct at work?**

5 MS. ASHER: Objection. Go ahead  
6 Ms. Fuehrer.

7 A. As I said, what someone elects to say is  
8 different than what someone may inappropriately  
9 or appropriately ask.

10 **Q. Okay. Let's talk about this: Let's say people**  
11 **are sitting around in the CRNA lounge and one**  
12 **CRNA says to the other: So how are your kids**  
13 **doing this week at the beginning of school?**  
14 **Would that be against the code of conduct?**

15 MS. ASHER: Objection. Asked and  
16 answered.

17 A. No.

18 **Q. But they initiated a question about somebody**  
19 **else, so you really don't mean that chitchat**  
20 **about personal related matters in the lives of**  
21 **people that work together is against the code of**  
22 **conduct --**

23 MS. ASHER: Objection.

24 **Q. -- per se, do you?**

25 MS. ASHER: Same objection. Go

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**33**

1 ahead and answer.

2 A. I believe I've answered it already.

3 MR. SINDELL: Read it back and  
4 answer it.

5 THE NOTARY: "But they initiated a  
6 question about somebody else, so you really  
7 don't mean that chitchat about personal  
8 related matters in the lives of people that  
9 work together is against the code of  
10 conduct per se, do you?"

11 MS. ASHER: Same objection. You  
12 can go ahead.

13 A. As I've said, in a professional environment,  
14 there is an employee code of conduct and asking  
15 about children is different than asking about a  
16 marriage.

17 Q. Yes, it is depending upon the relationship  
18 between the people.

19 Let's posit an example where two CRNAs are  
20 close personal friends socially, in each other's  
21 homes and so on and so forth and have  
22 historically shared personal information about  
23 each other.

24 MS. ASHER: Objection.

25 Q. Would --

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**34**

1 MS. ASHER: I'm sorry. I didn't  
2 realize you weren't finished.

3 MR. SINDELL: It isn't even a  
4 question, so how could you not realize it?

5 MS. JOHNSON: She didn't, Steve.

6 MS. ASHER: Steve, go ahead and  
7 finish your question. It's a little hard  
8 to tell sometimes when you ask a question.

9 MR. SINDELL: Well, why don't you  
10 listen carefully. I'm sure you'll be able  
11 to figure it out.

12 MS. JOHNSON: Let's take a break,  
13 please.

14 MR. SINDELL: Okay. How long a  
15 break do you want?

16 MS. JOHNSON: I'd like to actually  
17 talk to you for a moment, please.

18 - - - -

19 (Thereupon, a recess was had.)

20 - - - -

21 BY MR. SINDELL:

22 Q. Have you ever been in an operating room during an  
23 operation?

24 A. No.

25 Q. Let me ask you this: If there is a complaint by

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

35

1 a CRNA to the chair of the anesthesiology  
2 department about being uncomfortable with  
3 something that was said by an anesthesiologist to  
4 the CRNA, would it be appropriate in any  
5 circumstance for the department chair to try to  
6 mediate and work out any differences or feelings  
7 about the matter without immediately moving  
8 toward an EEO formal procedure or an ROC in  
9 writing?

10 A. Not necessarily.

11 Q. It might be? It depends on the circumstances,  
12 right?

13 A. If the employee is upset and it is regarding an  
14 inappropriate comment, the policy is to let the  
15 EEO manager know.

16 Q. Yes, I know that.

17 That wasn't the question. Maybe I'll, maybe  
18 I didn't say it right.

19 When the -- oh, the EEO manager. I'm sorry.  
20 That's the appropriate thing. You don't try to  
21 work it out to see if you can smooth over any  
22 misunderstandings between the people so that you  
23 don't get into an EEO claim?

24 A. Whenever in doubt, you report to the EEO manager.

25 Q. Where is that written?

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**36**

1 A. I believe it's in medical center policy.

2 Q. Wherever in doubt, report to the EEO manager? Is  
3 that what you think the rule is?

4 MS. ASHER: Objection. Go ahead  
5 and answer.

6 A. So I am sorry that I didn't -- it's not  
7 quote/unquote written that way; however, it is  
8 medical center policy that issues of  
9 inappropriate conduct should be reported to EEO.

10 Q. Well, when you say "issues," shouldn't the head  
11 of the department before ROCs and EEO complaints  
12 attempt to talk to the individual who's being  
13 accused of making a CRNA uncomfortable before  
14 that?

15 MS. ASHER: Objection. You may go  
16 ahead and answer.

17 A. No.

18 Q. No?

19 If I told you that the education department  
20 made presentations indicating in fact that that  
21 was, in instances appropriate, a necessary and  
22 helpful step, would you disagree with it?

23 MS. ASHER: Objection. Go ahead.

24 A. It is hard for me to understand the questions  
25 you're asking because they're very obtuse.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

37

1 Q. Okay. I just think -- well, withdrawn. It would  
2 seem -- withdrawn again.

3 It would seem that depending upon the  
4 circumstances, early resolution avoiding formal  
5 charges, formal ROCs, would be something to  
6 consider if possible in almost any case.

7 Wouldn't you agree with that?

8 A. That is the role of the EEO management office.  
9 When they do their informal review.

10 Q. It has nothing to do with the head of the  
11 department? Is that your testimony?

12 A. I didn't say it had nothing to do with the head  
13 of the department. I --

14 Q. Does it have anything to do with it?

15 A. I said, if I may, the EEO manager, the EEO  
16 office, does the informal review. That could  
17 include the service chief.

18 Q. The service chief is the department head in --

19 A. I use the term service chief.

20 Q. Okay. I thought we were going to interchange,  
21 okay?

22 A. They're the same. Interchange.

23 Q. Okay. Very good. All right. I'm going to now  
24 mark some documents along the way here.

25 - - - -

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**38**

1           (Thereupon, Plaintiff's Exhibit 31, 1/6/17  
2           Sindell letter to Fuehrer/Altose, was marked  
3           for purposes of identification.)

4                               -   -   -   -

5       **Q. This is Exhibit 31. I've just clipped them**  
6       **together and I'm going to ask you to take a look**  
7       **at that.**

8           It is a three-page letter from me to you and  
9       to Dr. Altose dated January 6, 2017 sent by I  
10      think special delivery mail and also by email.

11           Have you had a chance to read it?

12      A. Yes.

13      **Q. Good.**

14           Do you recollect ever receiving this letter?

15      A. Yes.

16      **Q. And when did you receive it?**

17      A. Probably a few days after it's dated. I don't  
18      recall the exact date.

19      **Q. You really don't know at all, do you? Within a**  
20      **few days? It could have been January 6th, 7th,**  
21      **8th, 9th?**

22      A. Correct. Within a few days of the date of  
23      January 6th, 2017.

24      **Q. Right. Right. I understand.**

25           Is that your correct email?

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

39

1 A. Yes.

2 Q. Do you happen to know if that's the correct one  
3 for Dr. Altose?

4 A. I don't know.

5 Q. Do you ever get letters like this --

6 A. Yes.

7 Q. -- in your capacity as medical director/CEO?

8 A. Yes.

9 Q. Okay. Is this something that only you would read  
10 or does somebody else read your email to pick out  
11 things or help you with things?

12 A. I read my own email.

13 Q. So nobody else would have given this to you?

14 A. No.

15 Q. And when you read it, did you have any particular  
16 reaction to it?

17 A. Not particularly.

18 Q. Well, did you think it was important?

19 A. I forwarded it to our --

20 Q. You didn't answer my question.

21 Did you think it was important?

22 A. I thought that it needed to be sent to the Office  
23 of General Counsel and employee labor relations  
24 because I believe by the time I received this in  
25 January I was aware that there were issues with



**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**40**

1 Dr. Lisan in anesthesia service.

2 **Q. How did you become aware that there were issues**  
3 **with Dr. Lisan?**

4 A. I don't recall specifically when, when there may  
5 have been an EEO filed or when I had received  
6 complaints from employees about Dr. Lisan.

7 **Q. Was it around January 6th or don't you know?**

8 A. I don't know.

9 **Q. It could have been a year later?**

10 MS. ASHER: Objection. Go ahead.

11 A. I doubt it was a year later.

12 **Q. But you don't know?**

13 A. I don't know.

14 **Q. Isn't it a fact that you shared this with**  
15 **Dr. Raphaely?**

16 A. I may have. I don't recall.

17 **Q. Wouldn't that be a logical thing to do since she**  
18 **was the primary subject of this letter?**

19 A. I may have sent it, as I said, to the Office of  
20 General Counsel and the employee labor relations  
21 and let them share it with Dr. Raphaely.

22 **Q. You had no doubt in your mind that this would be**  
23 **promptly taken to Dr. Raphaely at some point,**  
24 **correct?**

25 MS. ASHER: Objection. Go ahead.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**41**

1 A. I don't know what you mean by no doubt in my  
2 mind.

3 Q. Okay. Wouldn't you expect a letter like this to  
4 be shared with Dr. Raphaely?

5 A. Perhaps.

6 Q. Maybe not?

7 A. Maybe not.

8 Q. Why not?

9 A. If employee labor relations and the Office of  
10 General Counsel were already working on it and if  
11 there had been reviews, they may not have elected  
12 to share it with Dr. Raphaely.

13 Q. I see. Well, what about you? Wouldn't you elect  
14 to share it with the head of a department,  
15 something like the contents of this letter?

16 A. Dr. Raphaely is not my direct report.

17 Q. And that's the reason you didn't think it was  
18 necessary or indicated for you to share this with  
19 her?

20 A. That may have been. I may have shared it, sir.  
21 As I said, I don't recall.

22 Q. Wouldn't it be standard operating procedure for  
23 you to share it with her?

24 A. No.

25 Q. How about Dr. Altose? He's her immediate

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

42

1 supervisor, isn't he?

2 A. Is that a question? Are you done?

3 Q. Please read back the question.

4 - - - -

5 (Thereupon, the requested portion of  
6 the record was read by the Notary.)

7 - - - -

8 A. I'm sorry. I didn't hear the last part.

9 Yes.

10 Q. Wouldn't you expect him to share it with her?

11 A. I can't speak for Dr. Altose.

12 Q. Why not?

13 A. I'm not Dr. Altose.

14 Q. Well, I know you're not Dr. Altose but you  
15 certainly understand his position as chief of  
16 staff. Given his position and his  
17 responsibilities, wouldn't it be logical and  
18 standard operating procedure for him to share it  
19 with Dr. Raphaely or can't you say?

20 A. I can't say.

21 Q. Well, why not? Why can't you say that?

22 A. Because he may have had additional information  
23 besides this letter where it would have been  
24 appropriate for him to share with employee  
25 relations or the Office of General Counsel.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

43

1 Q. But that doesn't preclude him from sharing it  
2 with Dr. Raphaely, does it?

3 A. It does not.

4 As I said, I can't speak for him. I don't  
5 know what he did or didn't do.

6 Q. I'm asking you what you think he should do.

7 MS. ASHER: Objection. You can  
8 answer.

9 Q. As -- withdrawn. Let me repeat it in this way:  
10 In your capacity as CEO medical director,  
11 what should Dr. Altose have done as chief of  
12 staff when he received the letter Exhibit 31?

13 A. He should have made sure that the Office of  
14 General Counsel, our attorneys, and the employee  
15 labor relations section of the human resource  
16 management department have a copy.

17 Q. But not necessarily Dr. Raphaely. Is that your  
18 testimony?

19 A. That is my testimony.

20 Q. Okay. Good.

21 A. We would seek advice from them.

22 Q. All right. Let me ask you this: Dr. Raphaely --  
23 withdrawn.

24 Would it be appropriate for Dr. Raphaely to  
25 retaliate against Dr. Lisan for making these

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

44

1       complaints when she was aware of them by  
2       soliciting CRNAs to make false or misleading  
3       claims against Dr. Lisan for sexual harassment or  
4       other supposedly inappropriate conduct?

5                       MS. ASHER: Objection. Go ahead.

6       A. So to restate the question. It was long.

7               You're asking if it would be inappropriate  
8       for Dr. Raphaely to retaliate against Dr. Lisan  
9       by asking people to fabricate stories about  
10      sexual harassment?

11     Q. Or inappropriate conduct?

12     A. Yes.

13     Q. The answer to my question is yes or --

14     A. Yes.

15     Q. Did it ever come to your attention that a number  
16      of CRNAs in the department of anesthesiology  
17      collectively claimed that Dr. Raphaely was  
18      vindictive and retaliatory toward them?

19     A. I am aware that there were some CRNAs that were  
20      not happy with Dr. Raphaely's leadership style.

21     Q. When you say "some" CRNAs, could you give me an  
22      approximate number of CRNAs?

23     A. No.

24     Q. Are you aware of the Spicer report?

25     A. Yes.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

45

1 Q. Doesn't it contain a specific number of CRNAs who  
2 specifically shared with Ms. Spicer their  
3 complaint that Dr. Raphaely was vindictive and  
4 retaliatory?

5 A. It's been a long time since I've seen the Spicer  
6 report.

7 Q. Well, let's take a look at it. This is already  
8 out there, so we're going to call it 27, but I'll  
9 hand it to you.

10 All right. Do you want to sit here and read  
11 this whole thing and refresh your recollection?

12 A. Please.

13 Q. Okay. Maybe, would you mind we'll leave you in  
14 some quiet because it's a long, it's a 14 page  
15 document, so you might need a little bit of time  
16 and we'll take a little break and you can sneak  
17 one in yourself if you want?

18 A. Five minutes?

19 Q. Five minutes is great.

20 A. Okay.

21 - - - - -

22 (Thereupon, a recess was had.)

23 - - - - -

24 Q. I take it you've seen this before?

25 A. Yes.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

46

1 Q. All right. If you will look at the very last  
2 page, Page 14 of 14, it says at the bottom left:  
3 "Humbly submitted:" I have never seen that  
4 before.

5 But "Humbly submitted: Brenda A. Spicer,  
6 June 18, 2018."

7 Have I read that correctly?

8 A. Yes.

9 Q. Does that give you some idea of when you might  
10 have read this for the first time?

11 A. Yes.

12 Q. When was it?

13 A. Probably a few days after June 18th, 2018.

14 Q. Now, this is a partially redacted version here.  
15 You can see that?

16 A. Yes.

17 Q. Did you read an unredacted version?

18 A. I probably did.

19 Q. Now, you would then recall that Dr. Raphaely is  
20 the subject of a lot of this document?

21 A. Yes.

22 Q. And various references are made -- there have  
23 been other witnesses. I should tell you other  
24 CRNAs have testified in deposition like you and I  
25 would say almost I think everybody has indicated

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

47

1       they were aware that these were references to  
2       Dr. Raphaely where it indicated about various  
3       things. Okay?

4               So is that consistent with your recollection?

5       A. Yes.

6       Q. Did you ever read this since you first read it  
7       back in let's say approximately June of 2018 I  
8       believe it was?

9       A. Not to my recollection.

10      Q. Okay. Well, what did you do with this document  
11      after you read it?

12      A. I worked with, I asked the EEO manager to work  
13      with Dr. Altose to develop a plan for  
14      Dr. Raphaely.

15      Q. Did you talk to Dr. Raphaely?

16      A. I did not.

17      Q. Why not?

18      A. She's not my direct report.

19      Q. So what? You can talk to anybody you want to in  
20      the VA, can't you?

21      A. Yes.

22      Q. So why didn't you choose to talk to her since  
23      she's the subject of this?

24      A. Because in these matters we follow chain of  
25      command.



**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

48

1 Q. In other words, you're prohibited from talking to  
2 Dr. Raphaely directly?

3 A. No.

4 Q. You just chose not to?

5 MS. ASHER: Objection. Go ahead.

6 Q. Is that correct? Or is -- well, let me say: You  
7 said "we follow chain of command." I don't know  
8 what you mean by "we."

9 Why don't you tell me who "we" is.

10 A. The medical center.

11 So there are approximately 5500 VA employees  
12 and it would be hard for me to talk to every  
13 single employee.

14 Q. Of course.

15 A. So we use the chain of command.

16 Q. Okay. How many heads of the department of  
17 anesthesiology were there in June of 2018?

18 A. One.

19 Q. Okay.

20 A. There are probably 60 service chiefs or  
21 department heads in the VA.

22 Q. How many heads of departments in the VA do you  
23 get reports of this nature about that indicate  
24 vindictiveness and retaliation and many other  
25 such things in them? How many of those do you

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

49

1 get?

2 A. A few.

3 Q. Hopefully you can count them on one hand in a  
4 given year, correct?

5 A. Maybe not.

6 Q. But it's just a few. Why can't you talk to those  
7 few as executive -- excuse me, as medical  
8 director/CEO?

9 MS. ASHER: Objection. Go ahead.

10 A. I could. I did not.

11 Q. It says here that, if you look on the first page,  
12 excuse me, first page under "Background." Do you  
13 see it?

14 A. Yes.

15 Q. Second paragraph says in the last part of the  
16 last sentence, "part of the undertaking is to  
17 identify the facts surrounding allegations of  
18 retaliation, discrimination and unequal treatment  
19 by," and that would be Dr. Raphaely, correct?

20 A. Yes.

21 Q. Is that what your understanding of part of this  
22 report was about?

23 A. Yes.

24 Q. Okay. Let's take a look at Page 4.

25 If you'll take a look at Roman Numeral II at

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

50

1 the top it says "Change in Work Environment and  
2 Perceptions." Do you see that?

3 A. Yes.

4 Q. Under that there's a second paragraph which  
5 begins with the words: "Many CRNAs."

6 Do you see that?

7 A. Yes.

8 Q. I'm going to read it, if I may: "Many CRNAs  
9 indicated that about a year or a year-and-a-half  
10 ago," and that would be Dr. Raphaely's, "actions  
11 began to change."

12 Did I read that correctly?

13 A. Yes.

14 Q. "Their initial impression of her changes to the  
15 operation changed from being one who cared for  
16 them as employees and wanting to make sure they  
17 were treated with respect by others to become  
18 someone who is vindictive, retaliatory, hostile,  
19 discriminatory and divisive."

20 Did I read that correctly?

21 A. Yes.

22 Q. Do you have any reason to question the accuracy  
23 of those adjectives as put here, written here by  
24 Ms. Spicer?

25 A. No.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

51

1 Q. Are you aware of the fact that Ms. Spicer had  
2 personal interviews on a one-to-one basis with  
3 the vast majority of people -- of CRNAs, excuse  
4 me, in the department of anesthesiology?

5 MS. ASHER: Object.

6 Q. Are you aware of that?

7 MS. ASHER: Objection. Go ahead.

8 A. I'm aware of what it says in the report, that she  
9 met with the three groups. Some were one on one.

10 Q. That were not one on one?

11 A. Some were one on one I believe it said.

12 Q. So you don't know how many were one on one?

13 A. No.

14 Q. It could be as many as 15?

15 MS. ASHER: Objection.

16 A. I can't say.

17 Q. Do you know how many CRNAs there are in the  
18 department?

19 A. Per her report it says 16.

20 Q. Do you remember the number 15 also?

21 A. 15 is on the last page.

22 Q. Yes, I know. You remember that, don't you?

23 A. I read it.

24 Q. Okay.

25 Does that refresh your memory of what you

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

52

1 read in June of 2018?

2 A. Yes, sir.

3 Q. Okay. Let me ask you this: Is it appropriate to  
4 have as a head of a department somebody who the  
5 majority of CRNAs in the department believe is  
6 vindictive, retaliatory, hostile, discriminatory  
7 and divisive?

8 MS. ASHER: Objection. Go ahead.

9 A. It is appropriate to have a strong leader in the  
10 department.

11 Q. Why don't you answer my question?

12 A. It can be appropriate to have a supervisor that  
13 -- or a department head, I'm sorry. That's how  
14 you refer to it. A department head that has a  
15 plan to improve.

16 May I ask who's here?

17 MS. SINDELL: I'm Rachel Sindell.

18 Q. Oh, she's an attorney and she's my partner.

19 MS. SINDELL: I'm the FBI. I just  
20 came to investigate you.

21 A. You wouldn't be the first.

22 Q. I didn't even see her come in but, yes, you can  
23 ask and you got an answer.

24 A. I'm sorry. I wasn't sure if it was his wife or  
25 who it was. I'm sorry, I'm just asking.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

53

1 Q. Well, we are married actually but we're also  
2 partners, law partners.

3 A. I was actually thinking it might have been  
4 Dr. Lisan's wife. I'm sorry.

5 Q. Gees I hope not. Last time I checked she was my  
6 wife.

7 A. Sorry.

8 Q. Don't worry about it. That's not a violation of  
9 my code of conduct. That's off the record  
10 please.

11 Okay. Now, I'm going to ask you again the  
12 very simple question: Is it good or bad to have  
13 a department head of the department of  
14 anesthesiology who's vindictive toward CRNAs?

15 A. This report does not say she was vindictive. It  
16 says the employees' perception was she was  
17 vindictive.

18 Q. Okay. Is that a good thing?

19 A. No. It --

20 Q. Is it a good thing for the employees to have the  
21 perception that the head of the department is  
22 retaliatory?

23 A. Perceptions are not always reality.

24 Q. Is it a good thing for that perception to exist?

25 A. I can't comment if it's good or bad because it's

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**54**

1 perception. It is not fact.

2 Q. Don't you believe the honesty of the CRNAs who  
3 got together and made these complaints using this  
4 kind of descriptive language? Don't you believe  
5 them?

6 A. I believe it is their perception.

7 Q. Well, is that a good thing for the VA to have 15  
8 people in a department of 16 believe that their  
9 boss is retaliatory? Is that a good thing?

10 MS. ASHER: Objection. Go ahead.

11 A. If it is because the boss is holding them  
12 accountable to provide good care and to show up  
13 on time, it may be appropriate for employees to  
14 not be happy with their boss.

15 Q. I don't think you actually meant that. You want  
16 to hear your answer again? Listen to your  
17 answer. I think you might want to amend that.  
18 Could you read it back, her answer.

19 THE NOTARY: "If it is because the  
20 boss is holding them accountable to provide  
21 good care and to show up on time, it may be  
22 appropriate for employees to not be happy  
23 with their boss."

24 Q. Okay. So it's appropriate for employees not to  
25 be happy with their boss because their boss wants

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

55

1           them to come to work on time? Is that what  
2           you're saying?

3       A. I think I'm --

4       Q. All right. Never mind.

5           Is it -- okay. You would give the same  
6           answer, then, I assume for somebody who's, for  
7           perception of hostility on the part of the  
8           department head, might or might not be a good  
9           thing depending on why?

10      A. Correct.

11      Q. And discriminatory, is that a good thing, or that  
12      perception to exist in the majority of the  
13      department?

14      A. For a perception.

15      Q. And divisive. That depends on the reason for it,  
16      right?

17      A. Yes.

18      Q. Did you investigate personally in any way to find  
19      out what the basis of vindictive was?

20      A. I did not.

21      Q. Did you read anything that indicated what the  
22      vindictive aspect was?

23      A. This report.

24      Q. Other than this report is there any fact at all  
25      that came to your attention indicating what



**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

56

1       justification, if any, there would be for 15 out  
2       of the 16 CRNAs to think that their department  
3       head was vindictive, retaliatory, hostile,  
4       discriminatory and divisive?

5       A. No.

6       Q. Why not? Didn't that interest you?

7                       MS. ASHER: Objection. Go ahead.

8       A. Because we had the Office of General Counsel  
9       attorneys and the employee labor relations group  
10      looking at this matter.

11      Q. Yes. But you're the CEO executive -- medical  
12      director of the whole place.

13              Isn't this something that requires your  
14      hands-on immediate attention?

15      A. Not in my opinion.

16      Q. Not in your opinion. Okay? What about the  
17      opinion of your superiors? Do you have any idea  
18      what their opinion is?

19      A. You'd have to ask them.

20      Q. Did you?

21      A. I did not.

22      Q. Why not?

23      A. I didn't.

24      Q. I didn't ask you that.

25              I asked you why didn't you ask them?

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**57**

1 A. Because I didn't think I needed to ask them.

2 **Q. Why not?**

3 A. Because I did not believe this was a matter that  
4 they needed to hear about.

5 **Q. Your superiors don't need to hear about**  
6 **perceptions like that in an entire department of**  
7 **anesthesiology which puts patients to sleep on**  
8 **the operating table? Is that your testimony?**

9 A. They need to hear the complete fact finding.

10 **Q. And you don't even know if there has been any**  
11 **fact finding, do you, as you sit here now?**

12 MS. ASHER: Objection.

13 A. I am aware that the Office of General Counsel and  
14 employee labor, the employee labor relations  
15 group has looked at this matter extensively.

16 **Q. Do you know if any action has been taken?**

17 A. I know they have made recommendations for  
18 Dr. Raphaely that have been completed.

19 **Q. Completed successfully?**

20 A. Completed.

21 **Q. The recommendations have been completed. Is that**  
22 **what you mean?**

23 A. Yes.

24 **Q. Have they been carried out?**

25 A. To my knowledge, yes.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

58

1 Q. You don't think that there's any indication that  
2 CRNAs believe Dr. Raphaely is still acting in a  
3 way that's vindictive, retaliatory, hostile,  
4 discriminatory and divisive? Is that what your  
5 testimony is?

6 A. I can tell you I have not had any complaints.

7 Q. It says, "If she is proven wrong, she retaliates  
8 and penalizes the entire CRNA group."

9 Do you think that's a good or bad perception  
10 for the 15 out of the 16 CRNAs to have had?

11 A. I would need to see the specific instance.

12 Q. You don't have any reason to believe --  
13 withdrawn.

14 Do you have any reason to believe as you sit  
15 here now that Dr. Raphaely was doing anything  
16 wrong prior to June 18, 2018?

17 MS. ASHER: Objection. Go ahead.

18 A. As I said, there were actions. There were  
19 corrective actions that have been recommended and  
20 have been completed.

21 Q. Okay. What does "corrective actions" mean?

22 A. Training.

23 Q. Training for Dr. Raphaely?

24 A. Yes.

25 Q. Do you know if she was subjected to any training?

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**59**

1 A. Yes.

2 Q. Oh, you do know that?

3 A. She's completed training.

4 Q. Well you didn't tell me that. I asked you if you  
5 knew what steps were taken; but, okay.

6 What kind of training did she have?

7 A. She's completed or attended new supervisor  
8 training. She has participated in healthcare  
9 leadership development program for the VA. There  
10 are what we call TMS, talent management -- I  
11 don't know what TMS stands for. I apologize.  
12 But computer training that she has completed.  
13 She has been connected with a mentor.

14 Q. What do you mean, a mentor?

15 A. A service chief or a department chair.

16 Q. Who is that?

17 A. I believe Dr. Kinnard is one of them.

18 Q. Kinnard?

19 A. Yes.

20 Q. How do you spell that?

21 A. K-I-N-N-A-R-D.

22 Q. Is that a male or female?

23 A. Female.

24 Q. What's the first name?

25 A. Margaret.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

60

1 Q. Have you spoken to Dr. Kinnard about her  
2 training?

3 A. No, I have not.

4 Q. There are a number of very specific examples  
5 given here about Dr. -- withdrawn.

6 Has Dr. Raphaely been disciplined in any way?

7 MS. ASHER: Objection. That's --  
8 you cannot answer that under the Privacy  
9 Act.

10 Q. Okay. What is a corrective action besides a  
11 recommendation to -- withdrawn.

12 Corrective action is one of the disciplinary  
13 steps formally set forth in the protocols; isn't  
14 it? Somebody receives a corrective action, it  
15 means they've been doing something that needs to  
16 be corrected, correct?

17 A. A corrective action, the way I meant it is that  
18 there were steps to make improvements, an  
19 improvement plan.

20 Q. Was she suspended?

21 MS. ASHER: Objection. You can't  
22 answer that under the Privacy Act.

23 Q. If you'll look at Page 4, continuing, are you, do  
24 you see the part in a box, "Yelling and  
25 Condescending Tones Toward the Staff"?

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

61

1 A. Yes.

2 Q. And it says, "the majority of CRNAs describe her  
3 yelling as 'a lot,' 'it's not uncommon,' and  
4 'multiple times.'"

5 Did I read that correctly?

6 A. Yes, sir.

7 Q. And do you have any -- withdrawn.

8 Did you have any concerns about that?

9 A. When I read it, yes, I have concerns.

10 Q. Well, is that just some subjective kind of  
11 perception?

12 A. It could be.

13 Q. Could be.

14 Did you make any determination as to whether  
15 it was or wasn't?

16 A. I did not.

17 Q. Let me ask you this: Would it be appropriate for  
18 Dr. Raphaely to coach a CRNA about her upcoming  
19 deposition testimony?

20 MS. ASHER: Objection. Go ahead.

21 A. It would be inappropriate.

22 Q. Would it appropriate for Dr. Raphaely to coach a  
23 CRNA as to how she should fill out an affidavit  
24 for an investigator into Ron Lisan's complaints?

25 MS. ASHER: Objection. Go ahead.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**62**

1 A. To clarify, if she coached say complete the form  
2 to the best of your ability, to complete the form  
3 honestly, that's appropriate.

4 If she coached in a way where she was putting  
5 words into someone's mouth, that would be  
6 inappropriate.

7 Q. Telling someone what to write, for example, would  
8 be inappropriate.

9 A. Correct.

10 Q. Are you aware that there has been sworn testimony  
11 that that's exactly what she did as recently as  
12 the last couple of months?

13 MS. ASHER: Objection. Go ahead.

14 A. I'm not aware.

15 Q. We'll mark this whole deposition transcript as  
16 Exhibit 32.

17 - - - -

18 (Thereupon, Plaintiff's Exhibit 32, 3/19/19  
19 Elaine Costanzo deposition transcript, was  
20 marked for purposes of identification.)

21 - - - -

22 Q. And I will give that to you. And I only have one  
23 more copy, so...

24 I'd like you to turn to Page 71.

25 This is the sworn testimony of Elaine

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

63

1 Costanzo. Does that name ring a bell? You've  
2 got to use a word.

3 A. Oh. No. The sorry.

4 Q. That's okay.

5 And she's a CRNA, just so you know. Okay?

6 A. Yes.

7 Q. And if you'll take a look at Page 71, well,  
8 actually 70 at the very bottom left, and I'll  
9 read it out loud.

10 Question: "Please tell me if there was any  
11 statements or discussion you heard that Karin  
12 Bonfili" --

13 That's another CRNA who complained about Ron  
14 Lisan. And Elaine Costanzo also complained about  
15 him, so you know.

16 A. She was one of the four?

17 Q. Yes. Those two, Costanzo and Bonfili were among  
18 the four. Okay? You've got --

19 A. Yes.

20 Q. All right.

21 Again I'll start at Page 70 Line 24.

22 Question: "Please tell me if there was any  
23 statements or discussion you heard that Karin  
24 Bonfili said that Dr. Raphaely had any  
25 discussions with Karin Bonfili about anything



**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

64

1 Karin Bonfili wrote in a report of contact  
2 concerning Ron Lisan and complaints about him."

3 And her answer was: "So nothing in regards  
4 to the report of contact."

5 Question: "Okay."

6 Answer: "The only thing that I heard was in  
7 regards to the EEO complaint."

8 Question: "And what did you hear in regards  
9 to the EEO complaint?"

10 Answer: "I heard that Karin felt she was  
11 told what to write on the EEO complaint."

12 Question: "And was that by Dr. Raphaely?"

13 Answer: "I don't know for sure but I can  
14 only assume that that was the case."

15 "Is that your best recollection?"

16 Answer: "Best recollection. Whether or not  
17 that actually happened, I don't know."

18 Question: "I didn't ask you that."

19 "Okay."

20 "Do you recall when you heard that?"

21 Answer: "No, I do not recall."

22 Question: "So I take it if you don't recall  
23 when you heard Karin Bonfili say that then; is  
24 that correct?"

25 Answer: "It would have been around the time

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

65

1           that we were filling out our affidavits for the  
2           EEO."

3           Which was conducted by Mr. Greenspan. Okay?

4   A. Yes.

5   Q. Now, that's one testimony.

6           Do you find that disturbing?

7                       MS. ASHER: Objection. The  
8           testimony speaks for itself.

9   Q. If that's true, isn't that disturbing to you?

10   A. Elaine says that she doesn't know that it's true.

11   Q. No. She knows that that's what Karin Bonfili  
12   told her occurred.

13           Now I'm just asking you --

14   A. Her testimony says, "Whether or not that actually  
15   happened, I don't know."

16   Q. Right. I'm asking you a question:

17           If it's true, wouldn't that be disturbing to  
18   you?

19                       MS. ASHER: Objection. You can  
20   answer.

21   A. It doesn't say that it's true.

22   Q. And you won't answer my question, will you?

23           If it's true, if it's true?

24   A. If it's true?

25   Q. Yes. I said it four times.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

66

1           If it's true, that's very disturbing to you,  
2           isn't it?

3       A. Not necessarily because it doesn't say exactly  
4       what she was told to put on the affidavit. It  
5       could have said complete the affidavit correctly.

6       Q. All right. Let me ask you this: Are you aware  
7       that the first alleged, not alleged -- withdrawn.

8           Are you aware that the first complaints that  
9       were documented by Dr. Raphaely were  
10      approximately four days after the email, email  
11      letter of January 6th, 2017 that we went over  
12      earlier?

13     A. No.

14     Q. If I told you that the complaints against, by  
15     these CRNAs against Dr. Lisan surfaced  
16     approximately four days after that email letter  
17     in which he complained or I complained on his  
18     behalf to you and to Dr. Altose, would you find  
19     that curiously coincidental?

20                   MS. ASHER: Objection. Go ahead.

21     A. Which four emails?

22     Q. Start over.

23           January 6th, 2017 was the date we emailed a  
24     letter to you. It was Exhibit 31. You have it  
25     in front of you?

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

67

1 A. Yes.

2 Q. And it describes complaints about discrimination,  
3 disability, sex discrimination, reasonable  
4 accommodation in general, correct?

5 A. Yes.

6 Q. Okay. The first surfacing of complaints from  
7 CRNAs about Dr. Lisan generated by Dr. Raphaely  
8 were January 10th, 2017, four days later.

9 Did you know that?

10 A. I don't know if that was the first.

11 Q. Well, assume it was. Okay?

12 If that's the case, do you find the beginning  
13 of these complaints and followed shortly  
14 thereafter by three more to be suspiciously  
15 coincidental?

16 MS. ASHER: Objection. Go ahead.

17 A. Not necessarily. Not if they were aware that  
18 there had been a letter from an attorney, if  
19 Dr. Lisan had told them.

20 I mean if they were aware something was  
21 coming, it could -- I can't say that, no.

22 Q. Okay. So it doesn't cause you to wonder why  
23 after 30 years in practice without any complaints  
24 from any CRNAs anywhere, four days after we sent  
25 or I sent on his behalf, Dr. Lisan's behalf this

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

68

1 letter, all these complaints started surfacing  
2 from Dr. Raphaely's office?

3 MS. ASHER: Objection. Go ahead.

4 A. No. No more than I noticed in your letter that  
5 you attribute all the issues with Dr. Raphaely,  
6 yet I am aware that the prior service chief,  
7 Dr. Kazdan had documented that Dr. Lisan had, was  
8 chronically late in his performance evaluation.

9 Q. I don't know what -- how that's an answer to my  
10 question other than you just wanted to throw  
11 something in.

12 My question to you is all of these complaints  
13 surfaced four days after my letter.

14 Is it your testimony that you don't see  
15 anything a little bit suspicious about that?

16 MS. ASHER: Objection. Go ahead.

17 A. Correct.

18 Q. Okay. That's all I wanted to know.

19 Would it be appropriate for Dr. Raphaely to  
20 solicit complaints, if any, about Dr. Lisan from  
21 other CRNAs within days after this letter was  
22 sent?

23 A. Yes.

24 Q. Okay. I'd like you to turn to Page 85.

25 MS. ASHER: Are you talking about

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

69

1 in Exhibit 32?

2 Q. I'm sorry, yes.

3 This is again the same deposition.

4 A. Yes.

5 Q. If you'll look at Page 85, Line 14, it's the  
6 upper left box.

7 Got it? Are you with me?

8 A. Yes.

9 Q. I'll read it.

10 The question is: "Is it correct that  
11 Dr. Raphaely shared with you in her phone call to  
12 you at home in early January 2017 that she had  
13 heard about something you told somebody else  
14 about an experience" blah-blah-blah -- "about an  
15 experience that was uncomfortable to you with  
16 Dr. Lisan; is that correct?"

17 Answer: "She had heard an experience that I  
18 had with Dr. Lisan that she was encouraging me to  
19 write up."

20 And then question: "Did she tell you what  
21 experience she heard from somebody else?"

22 And then she says, answer: "Yes. We --"

23 Question: "What did she tell you she heard  
24 from somebody else?"

25 Answer: "She heard that I had had, when I

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

70

1 first started working there, I had an  
2 uncomfortable -- two uncomfortable encounters  
3 with Dr. Lisan that I kind of brushed off as  
4 inappropriate and went on with my life."

5 Question: "Who was it that she heard this  
6 from?"

7 Answer: "Jessica Foster."

8 She was the very first complainant about  
9 Dr. Lisan.

10 Question: "Did she share with you why she  
11 was talking to Jessica Foster about Ron Lisan?"

12 "No."

13 "Did she tell you she was investigating  
14 complaints about Ron Lisan?"

15 "Yes."

16 Okay. Now, does that trouble you at all?

17 MS. ASHER: Objection. Testimony  
18 speaks for itself but go ahead.

19 A. The way I read this is that Dr. Raphaely had  
20 complaints and she was trying to make sure that  
21 anyone that felt that they had been treated  
22 inappropriately had the opportunity to write a  
23 report of contact or to identify their concerns.

24 Q. Okay. So she had every reason, then, because she  
25 had one complaint or two complaints, whatever, to

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

71

1 solicit the entire department to see if anybody  
2 else had complaints about Dr. Lisan.

3 Is that your testimony?

4 A. Can you repeat the question?

5 Q. Sure. Read it back.

6 THE NOTARY: "So she had every  
7 reason, then, because she had one complaint  
8 or two complaints, whatever, to solicit the  
9 entire department to see if anybody else  
10 had complaints about Dr. Lisan.

11 "Is that your testimony?"

12 A. So this testimony doesn't identify whether she  
13 had solicited everyone else. I will say she has  
14 an obligation if there are complaints to make  
15 sure that all employees have the right to be  
16 heard.

17 Q. Okay. And that means you can solicit any or all  
18 or whatever number of employees to find out if  
19 anybody else has any complaints about Dr. Lisan.  
20 Is that your testimony?

21 MS. ASHER: Objection. Go ahead.

22 A. The way I read this testimony, it says that she  
23 had reason to believe that there was some  
24 indication that this employee had some issues.

25 Q. Okay. It was -- okay. So that was appropriate



**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

72

1       for her to call her up, ask her about that and  
2       encourage her to write it up. Is that your  
3       testimony?

4       A. She has an obligation if there is an employee  
5       that feels threatened to make sure the employee  
6       has the right to write it up, has the  
7       opportunity.

8       Q. But she went after this employee. This employee  
9       didn't come to her?

10                       MS. ASHER: Objection.

11       Q. Isn't that correct?

12                       MS. ASHER: Objection. You can  
13       answer.

14       Q. Isn't that correct?

15                       MS. ASHER: Same objection.

16       Q. Ms. Costanzo did not come to her. She went to  
17       Ms. Costanzo; isn't that correct?

18                       MS. ASHER: Same objection. You  
19       may answer.

20       A. As a service chief, she has the obligation to  
21       make sure that employees have the right to be  
22       heard.

23       Q. But this employee wasn't seeking to be heard, was  
24       she?

25                       MS. ASHER: Objection.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**73**

1 A. That doesn't mean we don't have an obligation to  
2 make sure the employee understands their rights  
3 and has the opportunity to be heard.

4 Q. I see.

5 So you think that she, that there was some  
6 concern she had that the employee didn't know  
7 that she could go to Dr. Raphaely. Is that what  
8 you're saying? She wanted to make sure she knew  
9 she could go to her?

10 A. I can't speak for Dr. Raphaely but since we're  
11 talking about different scenarios, that could be  
12 a scenario.

13 Q. Okay. And that's a scenario that you think was  
14 completely appropriate for Dr. Raphaely?

15 A. It could be.

16 Q. It could not be, too. Isn't that right?

17 MS. ASHER: Objection. Go ahead.

18 A. It could not be. There's not enough information  
19 here to provide an answer.

20 Q. Okay. Now, do you recall when you read this  
21 report that Dr. Lisan's name appeared several  
22 times in it?

23 MS. ASHER: Objection.

24 Q. Even though on the copy we have here it's blacked  
25 out?

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

74

1 A. It may have.

2 Q. Do you recall -- well, let me be very frank with  
3 you. We just received, and I'll show it to  
4 you --

5 DR. LISAN: I got this in the  
6 mailing yesterday.

7 Q. Yes. We just got it yesterday.

8 A FOIA request was responded to made by  
9 Dr. Lisan and we received back a copy -- which I  
10 will give to you. I just don't have copies of  
11 it -- my copy indicates that where it's blacked  
12 out on the original, Dr. Lisan's name appears in  
13 that section one, two, three, this is Page 10.  
14 One, two, three, four, five, six times on Page  
15 10. Once on Page 11. Once on Page 12. I think  
16 that's where it is, right?

17 DR. LISAN: I think so. I did a  
18 quick review.

19 Q. 10, 11 and 12?

20 DR. LISAN: In my quick review,  
21 that's all I saw.

22 Q. All right. So that's a number of times.  
23 Obviously somebody said something about it that  
24 was in this report.

25 Now, do you have any recollection as to the

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

75

1 context or details pertaining to Dr. Lisan --

2 A. No.

3 Q. -- that were in -- you got to let me finish my  
4 question.

5 That were in Ms. Spicer's report?

6 A. No.

7 Q. Okay. I'd like you to take Exhibit 31 and please  
8 go to Page 13.

9 A. So that's not Exhibit 31.

10 MS. ASHER: Are you talking about  
11 Exhibit 27.

12 Q. I'm sorry, you're right. 27. It's my mistake.  
13 I apologize.

14 A. Which page?

15 Q. 13.

16 A. Thank you.

17 Q. We were looking -- we might have been looking at  
18 this. "Conclusion." Second paragraph. "It is  
19 important to note"?

20 A. Yes.

21 Q. Okay. All right. I'm going to read it again.

22 "It is important to note that dissatisfaction  
23 among one, two or five employees many times would  
24 not be considered significant depending on the  
25 concerns."

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

76

1                   Do you happen to agree with that?

2       A.   Yes.

3       Q.   Now it goes on: "But, there are 15 CRNAs who  
4           have concerns with the common theme of  
5           experiencing fear of retaliation, policies that  
6           seem to be implemented as a punishment for the  
7           entire group and contrary to the master  
8           agreement, constant reminders of how much money  
9           they make and constant reminders that they can  
10          find another job if they are dissatisfied."

11               Did I read that correctly?

12       A.   Yes.

13       Q.   Okay. Does that, starting with the word "but"  
14           and thereafter in that paragraph disturb you in  
15           any way?

16       A.   Certainly warrants further review.

17       Q.   And you're satisfied now the review is done and  
18           that everything's fine?

19                       MS. ASHER: Objection.

20       Q.   Is that correct?

21                       MS. ASHER: Same objection.

22       A.   As I've previously stated, we have a performance  
23           improvement plan that we are working on within  
24           anesthesia.

25       Q.   Okay.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

77

1 A. I have not -- yes. I have not seen any recent  
2 complaints.

3 Q. Okay. Let's see if you consider this a  
4 complaint.

5 If you'll take 31.

6 A. 32.

7 Q. 32. Thank you very much. Off the record.

8 - - - -

9 (Thereupon, a discussion was had off the  
10 record.)

11 - - - -

12 MS. ASHER: Have you given us a  
13 page number yet or not yet?

14 Q. Okay. I'd like you to turn to Page 30.

15 And at the bottom in Line 24, this is again  
16 Ms. Costanzo's deposition, correct?

17 A. Yes.

18 Q. Question: "As you sit here now, Ms. Costanzo, do  
19 you have any fear that if you say things in this  
20 deposition which are upsetting or disturbing or  
21 critical with respect to Dr. Raphaely, that you  
22 might be retaliated against by her?"

23 Answer: "Yes."

24 Question: Skipping to the question: "I  
25 think I can speak for both sets of attorneys

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

78

1 here, but I'll speak for myself first, that our  
2 goal as attorneys and professionals in our field  
3 is to obtain the truth and that means the whole  
4 truth.

5 "You understand that, don't you?"

6 Answer: "Yes."

7 Okay. Now this deposition was taken the  
8 other day, March 19th, 2019?

9 MS. ASHER: Is there a question?

10 Q. Well, I just want to make sure she's with me.

11 A. Yes.

12 Q. I just want you to be able to assume that that's  
13 true. Okay?

14 Doesn't that disturb you that somebody would  
15 be afraid to testify truthfully under oath if it  
16 meant saying something bad or negative about  
17 Dr. Raphaely because of fear of retaliation?

18 MS. ASHER: Objection. The  
19 testimony speaks for itself. You can  
20 answer.

21 A. Yes.

22 Q. I'd like you to turn to Page 75. It's 74 but  
23 it's the same page.

24 A. I'm there.

25 Q. You see it that's line -- are you with me?

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

79

1 A. Page 74, yes.

2 Q. Okay. Good. I'm sorry. I just wanted to be  
3 sure.

4 Line 20. Now Mr. Greenspan, just so you  
5 understand the part I'm reading, he is, I think I  
6 mentioned him before. He's an investigator  
7 appointed by I guess it's the ORM investigation  
8 arm to investigate Dr. Lisan's complaints and he  
9 was doing his investigation talking to people, so  
10 you know who that is, okay?

11 A. Yes.

12 MS. ASHER: Objection.

13 A. Oh.

14 MS. ASHER: That's okay.

15 Q. And you may assume that the approximate time was  
16 in October of 2017. That's when this occurred.  
17 Just so you have a time frame. I'm asking you to  
18 assume that. Okay? The affidavits were sent in  
19 about that time, October 2017. All right?

20 Now I'll read you the question so you know.

21 This is the testimony of Ms. Costanzo just  
22 the other day. Line 20 on Page 74.

23 Question: "Did you ever tell Mr. Greenspan  
24 that you were fearful of telling the whole truth  
25 in answer to his questions because of retaliation



**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

80

1 from Dr. Raphaely?"

2 Answer: "I told him that I wanted to make  
3 sure that I absolutely had to participate in it  
4 before I actually participated in it because I  
5 didn't want to get myself involved with this  
6 situation."

7 Question: "Did you tell him why you didn't  
8 want to get involved with it?"

9 Answer: "I feared my boss. I feared  
10 Dr. Raphaely."

11 Question: "Feared retaliation against you  
12 from her?"

13 Answer: "Yes."

14 Does that disturb you?

15 MS. ASHER: Objection. Go ahead.

16 A. Yes.

17 Q. Does that indicate to you that maybe the matters  
18 raised in the Spicer report have not been  
19 completely addressed?

20 MS. ASHER: Objection. Go ahead.

21 A. Yes.

22 Q. Do you intend to take any further action in that  
23 regard or don't you know?

24 MS. ASHER: Objection. Go ahead.

25 A. I will have to consult attorneys because I

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

81

1 don't -- I have not had -- this is the first time  
2 I've seen this. I don't know the context. I  
3 don't know where we're at, so I would need to  
4 talk to somebody.

5 **Q. You'd need to investigate further?**

6 A. Yes.

7 **Q. Okay. That's fair. I understand.**

8 You do understand there's a lot of other  
9 sworn testimony and other testimony in this case  
10 besides this?

11 MS. ASHER: Objection. And that  
12 testimony speaks for itself.

13 **Q. Did you know that?**

14 MS. ASHER: Go ahead.

15 A. I don't know who you've spoken to and who you  
16 haven't spoken to.

17 **Q. Okay. I understand.**

18 You got to leave at four and I understand  
19 that. I understood that before, but I got a ways  
20 to go.

21 I mean it will probably go faster but I am  
22 not complete here. I'm nowhere near. This is  
23 the first time I've had that problem actually  
24 where I haven't -- off the record.

25 - - - -

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

82

1 (Thereupon, a discussion was had off the  
2 record.)

3 - - - -

4 Q. Now I'd like to show you what I'm going to mark  
5 as Exhibit 33.

6 - - - -

7 (Thereupon, Plaintiff's Exhibit 33, 1/10/17  
8 "Sexual Harassment Allegation Checklist  
9 (Alleged Harasser)" was marked for purposes  
10 of identification.)

11 - - - -

12 Q. I barely got it in there.

13 Okay. This is Exhibit 33. And that's for  
14 you.

15 Do you recognize this sheet?

16 A. Yes.

17 Q. Okay. Do you recognize the sheet with the  
18 writing on it or just the form?

19 A. Just the form. I'm sorry.

20 Q. Okay. It says, "Sexual Harassment Allegation  
21 Checklist" and it's in parentheses below it,  
22 "(Alleged Harasser)," correct?

23 A. Yes.

24 Q. You want to take a minute and look at it?

25 A. Okay.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

83

1 Q. I can tell you that the handwriting on there is  
2 Dr. Raphaely's.

3 DR. LISAN: That's Raphaely's,  
4 yeah.

5 Q. The part here where it says Dr. Lisan, et cetera?

6 A. Okay.

7 MS. JOHNSON: There's no  
8 foundation for that.

9 Q. Yes. The initials, however, are my client's.

10 MS. ASHER: Objection.

11 Foundation. Go ahead.

12 A. Okay.

13 Q. Let me ask you this: How would you define sexual  
14 harassment according to VA standards?

15 A. I would --

16 MS. ASHER: Objection. Which is  
17 it? How would she define it or how is it  
18 defined according to VA standards? Sorry,  
19 it's just hard.

20 Q. All right. I'll rephrase the question.

21 MS. ASHER: Okay.

22 Q. What is your understanding of the VA's definition  
23 of sexual harassment?

24 A. My understanding is any comments that are  
25 provided to an employee that are unwelcomed and

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

84

1           unwanted.

2       **Q. Any comments?**

3       A. That are sexual or could be construed as sexual  
4       in nature.

5       **Q. Right. Okay. But they have to be sexual?**

6       A. Or perceived as...

7       **Q. Reasonably perceived as sexual, correct?**

8                               MS. ASHER: Objection. You may  
9                               answer.

10      A. You can file a complaint whether it's reasonable  
11      or not. If it's perceived, you can file a  
12      complaint.

13      **Q. Okay. I didn't ask you what the standard was to**  
14      **file a complaint. I asked you what your**  
15      **understanding is of the VA's definition of sexual**  
16      **harassment and I think your answer was it has to**  
17      **at least be reasonably perceived as having a**  
18      **sexual connotation or is that wrong?**

19      A. I did not say that it has to be reasonable.

20      **Q. Oh. It could be unreasonable. It would still be**  
21      **sexual harassment?**

22      A. We work for the government, yes.

23      **Q. So you can make an unreasonable claim of sexual**  
24      **harassment that really isn't sexual harassment**  
25      **but it is sexual harassment? Is that what you're**

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**85**

1           **saying?**

2                               MS. ASHER:  Objection.

3       A.  The policy says -- and I'm paraphrasing --

4       **Q.  Sure.**

5       A.  -- that you cannot make comments to someone that  
6           they find unwanted or inappropriate and that is  
7           what they perceive; so I don't know why you keep  
8           on asking me about "reasonable" because I can't  
9           address "reasonable" based on an employee's  
10          perception.

11      **Q.  Okay.  I want to be very clear about your answer,**  
12      **however.**

13                   **You said unwanted or unwelcome?**

14      A.  Or -- yes.

15      **Q.  But you didn't say sexual in nature.**

16                   MS. ASHER:  Objection.  Yes, she  
17           did.  There's transcript with her answer.  
18           We can go back.

19                   MR. SINDELL:  Let's read it back  
20           and see if you're right.

21                   Read back her last answer and  
22           let's see if she said sexual.

23                   MS. ASHER:  Well, you've asked  
24           this question several times and --

25                   MR. SINDELL:  I don't care if I've

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**86**

1                   asked it several times. She didn't say  
2                   sexual.

3                   MS. JOHNSON: Steve, you just  
4                   interrupted her.

5                   MS. ASHER: Right.

6                   MR. SINDELL: Oh my. I'm sorry.  
7                   Cut it out.

8                   MS. ASHER: Steve, you've  
9                   interrupted this witness' testimony a  
10                  couple of times and so if you want to ask  
11                  her what her testimony is, we have a  
12                  transcript of what her testimony is but  
13                  she's addressed this question several times  
14                  now.

15                  MR. SINDELL: Would you please  
16                  read back her last answer.

17                  THE NOTARY: "The policy says --  
18                  and I'm paraphrasing -- that you cannot  
19                  make comments to someone that they find  
20                  unwanted or inappropriate and that is what  
21                  they perceive; so I don't know why you keep  
22                  on asking me about 'reasonable' because I  
23                  can't address 'reasonable' based on an  
24                  employee's perception."

25       **Q. Okay. To be exact. I understand the part about**

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

87

1 reasonable and unreasonable. Okay?

2 But your answer used two words: That the  
3 receiver of the verbal comment finds unwanted or  
4 inappropriate. Those are the words you used.  
5 But there is nothing in what you answered on that  
6 occasion that says it had to have anything to do  
7 with sex. In order to be sexual harassment, it  
8 has to have something to do with sex, doesn't it?

9 MS. ASHER: Objection. You can  
10 answer.

11 A. I apologize. You've asked several times. I  
12 thought it was understood that we were talking  
13 about the sexual harassment allegation checklist.  
14 I apologize for not being specific enough for  
15 you.

16 Q. That's okay. I just want to make sure we're on  
17 the same page.

18 And I understand that you meant it has to be  
19 sexual or it couldn't be sexual harassment by  
20 definition, correct?

21 A. Yes.

22 Q. Okay. All right, now, if we can take a look at  
23 something here, I have to find it and I  
24 apologize.

25 I'm going to mark this as Exhibit 34.



**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

88

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- - - -

(Thereupon, Plaintiff's Exhibit 34, Reports  
of Contact, was marked for purposes of  
identification.)

- - - -

Q. Okay. This is 34 and I'll tell you what it is.  
These are four, the four initial CRNA  
complaints. Okay?

I'm going to, let's take them in the order  
I'm going to pick here. Okay? If you'll turn to  
the third page in, and I will give you of course  
a chance to read it.

A. Yes.

Q. Please do.

A. I have completed reading.

Q. Okay. Well, do you see this as a sexual remark?

A. Yes.

Q. Okay. Because he said, "What time should I be  
over?" That's what you're referring to?

MS. ASHER: Objection. Go ahead.

A. The tone of the email, yes.

Q. Okay. Well, I mean that's the highlight, isn't  
it --

MS. ASHER: Objection.

Q. -- that makes you think there's a possible sexual

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

89

1           innuendo?

2                               MS. ASHER: Objection. Go ahead.

3       A. I read the entire report of context -- report of  
4       contact in context, excuse me.

5       Q. You're doing fine.

6                               MS. JOHNSON: That is hard.

7       Q. Now, first of all, this is the statement of the  
8       CRNA Rhonda Verb. Is that what you understand?

9       A. That's what it says.

10      Q. Yeah. Well, she signed it and wrote her name  
11      below. I don't see a date but my understanding  
12      is that she typed this out herself and signed it  
13      as her statement?

14      A. My understanding, too.

15      Q. Good. Is this true? Did Ron Lisan say this to  
16      Rhonda Verb?

17                               MS. ASHER: Objection.

18      A. I don't know.

19      Q. Okay. Well, if you were investigating this  
20      matter as Dr. Raphaela was, according to you,  
21      would you want to talk to Dr. Lisan to find out  
22      his take on the conversation?

23                               MS. ASHER: Objection. Go ahead.

24      Q. As part of the investigation?

25                               MS. ASHER: Same objection. Go

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

90

1 ahead.

2 A. I don't know what Dr. Raphaely was doing, if she  
3 was collecting this information to provide to  
4 employee relations or EEO for them to do the fact  
5 finding. I don't -- I can't answer that  
6 beyond --

7 Q. Well, let's not pin it down to Dr. Raphaely.

8 Whoever the fact finder was making an  
9 investigation, wouldn't you expect that the fact  
10 finder would want to talk to Ron Lisan, Dr. Ron  
11 Lisan to get his side of what he recalled?

12 A. They may.

13 Q. And they may not?

14 MS. ASHER: Objection. Go ahead.

15 Q. Is that what you're saying? May or may not in an  
16 investigation of this allegation talk to the  
17 person they're accusing?

18 A. It depends on the stage of the investigation. If  
19 it's a formal investigation, yes. If it's an  
20 administrative investigation, yes.

21 If it's an informality fact finding maybe  
22 yes, maybe no.

23 Q. Well, do you know who Mr. Kafer is?

24 A. Bruce, yes.

25 Q. Yes. Bruce Kafer. I'm sorry.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

91

1           Mr. Bruce Kafer, you know who he is, don't  
2           you?

3       A.   Yes.

4       Q.   And he is the EEO coordinator, isn't he?

5       A.   He handles reasonable accommodation also.

6       Q.   Yes, I know that. But he also is in a capacity  
7           as the EEO coordinator, isn't he?

8       A.   I think he works -- I don't think he's called the  
9           EEO coordinator. I don't think that's his  
10          official title.

11      Q.   That's what he calls himself.

12      A.   Okay.

13      Q.   But at any rate --

14      A.   There's several then.

15      Q.   That could be. But in any event, he was given  
16          the fact finding role in this case and in fact  
17          wrote a report.

18               Are you aware of that?

19      A.   I may have been. I don't recall.

20      Q.   Okay. Well, I'm going to ask you to assume that  
21          he was the fact finder.

22      A.   Okay.

23      Q.   In this matter and that in fact he did write a  
24          report which at some point in time I'm going to  
25          show you.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

92

1 A. Okay.

2 Q. You can assume that to be true.

3 Do you know what he found in his report?

4 MS. ASHER: Objection. Go ahead.

5 A. I don't recall.

6 Q. Okay. Would it help refresh your memory if I  
7 told you he found there was no sexual harassment  
8 in any of the complaints of the CRNAs because  
9 they didn't rise to a level of sexual harassment.

10 Did you know that?

11 MS. ASHER: Objection. Go ahead.

12 A. I may have and I don't recall.

13 Q. Okay. That's fine.

14 Well, my question is: If he was the fact  
15 finder, wouldn't you expect that he would show  
16 Dr. Lisan as part of his fact finding the claims  
17 and allegations made against him by each CRNA and  
18 ask him, Dr. Lisan, for his recollection of the  
19 various incidents?

20 A. I can't say. You just said he didn't find that  
21 they rose, so maybe if he found the comments did  
22 not rise, he didn't feel the need to speak with  
23 Dr. Lisan.

24 Q. Wouldn't you think -- well, you just said you  
25 thought that there was sexual harassment here.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

93

1           Let me just ask you this: Let's say you were  
2           the fact finder hypothetically. Okay?

3           You can imagine that, can't you? You did  
4           similar work to that years and years ago?

5       A. A long time ago.

6       Q. But you did. Okay?

7           As a fact finder, don't you talk to both  
8           sides?

9                       MS. ASHER: Objection. Go ahead.

10      A. If necessary.

11      Q. Okay. Well, if you saw something like this and  
12      you thought it was an indication of sexual  
13      harassment, wouldn't you want to the talk to the  
14      person who's being accused to see what he had to  
15      say about it?

16                    MS. ASHER: Objection. Asked and  
17      answered. Steve, I think this could be  
18      more efficient if we don't keep doing the  
19      same question over and over.

20                   MR. SINDELL: I don't think I'm  
21      doing the same question over and over. I  
22      think you're just interrupting  
23      inappropriately and I don't mind telling  
24      you that.

25                   MS. ASHER: Well, we have five

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**94**

1 minutes and I think you have an interest in  
2 having this be efficient, too.

3 MR. SINDELL: I think you're  
4 wasting time and I think you're  
5 interrupting and I think I'm doing fine and  
6 I don't think --

7 MS. ASHER: Proceed to your next  
8 question. Are you ready?

9 MR. SINDELL: No. I was  
10 interrupted. I don't think I've gotten  
11 answers to questions. I've been doing this  
12 a long time.

13 MS. ASHER: I understand, Steve.

14 MR. SINDELL: I haven't finished.

15 MS. ASHER: Steve you're  
16 interrupting me, please.

17 MR. SINDELL: No. You're  
18 interrupting me.

19 MS. ASHER: I thought that you  
20 were done. I would appreciate if you could  
21 respect the professional that I am, Steve.  
22 You've asked this question several times  
23 and you've gotten an answer. I understand  
24 it's not the answer that you want to hear  
25 but it is an answer.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

95

1 MR. SINDELL: You don't understand  
2 anything that I don't want to hear so don't  
3 put words into my head or my mouth.

4 Now, would you please read back  
5 the last question that I asked.

6 THE NOTARY: "Well, if you saw  
7 something like this and you thought it was  
8 an indication of sexual harassment,  
9 wouldn't you want to the talk to the person  
10 who's being accused to see what he had to  
11 say about it?"

12 MS. ASHER: Same objection. Go  
13 ahead.

14 A. So if I was doing the investigation, you've  
15 already pointed out that I'm incorrect, that it  
16 was ruled not to be sexual harassment, so I would  
17 have.

18 But Bruce Kafer may not have because he  
19 didn't view it as sexual harassment.

20 Q. Okay. But if you viewed it as sexual harassment,  
21 would you want to talk to the person being  
22 accused?

23 MS. ASHER: Same objection.

24 A. Yes.

25 MR. SINDELL: Thank you. Finally.



**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

96

1 I want the record to show here, I  
2 want you to mark this spot.

3 I want the record to show here  
4 that I don't believe until just now the  
5 witness answered my question. I also think  
6 that that was very clear on the record and  
7 I want to show my strong objection to a  
8 very interruptive and disruptive narrative  
9 basically that counsel interposed there  
10 which was totally unwarranted and I want to  
11 have that spot highlighted because I don't  
12 think until just now I got a direct answer  
13 to the question. Okay?

14 We have five --

15 MS. ASHER: You're entitled to  
16 believe that. Your objection is noted.

17 MR. SINDELL: Who's noting it?  
18 You?

19 MS. ASHER: I'm acknowledging that  
20 I've heard your objection, Steve.

21 MR. SINDELL: Well, wonderful. I  
22 thought you did.

23 MS. JOHNSON: We've got three  
24 minutes.

25 MR. SINDELL: I'm glad to be

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

97

1 informed that you heard it. I thought you  
2 did.

3 MS. ASHER: Okay. Is there a  
4 question?

5 Q. Yeah. I'm going to, I don't know if we've got  
6 enough time for another one.

7 All right. This is Exhibit 35.

8 - - - -

9 (Thereupon, Plaintiff's Exhibit 35, "Sexual  
10 Harassment Allegation Checklist (Alleged  
11 Victim)" form, was marked for purposes of  
12 identification.)

13 - - - -

14 Q. Okay. Here's Exhibit 35.

15 There you go. Okay. Does that -- this is  
16 not a filled out form. But does it look  
17 familiar? It's, one is, just so you know, one's  
18 for alleged victim. The other is for alleged  
19 harasser.

20 A. Correct.

21 Q. I think we can see that, right?

22 A. Yes.

23 Q. I noticed that it says here in, which one is  
24 that? The last one is 35?

25 A. 35.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

98

1 Q. So in 34, then?

2 A. 33.

3 Q. How did I get 35?

4 MS. JOHNSON: You had marked the  
5 ROCs as 34.

6 Q. What did I do?

7 MS. JOHNSON: I'm sorry, Steve,  
8 you marked the four ROCs, you marked as 34.

9 Q. Oh, okay.

10 MS. JOHNSON: So you were right on  
11 35.

12 Q. Okay. 33, I guess I mean then.

13 The alleged harasser one, right?

14 A. Yes.

15 Q. Okay. It says -- number 4 says: "I have ordered  
16 the alleged harasser to cease any contact with  
17 the alleged victim except that which is  
18 absolutely required for official business."

19 Did I read that correctly?

20 A. Yes.

21 Q. Now, if you look on the next one, however, 35,  
22 the alleged victim, I don't see anything like  
23 that on that.

24 Do you?

25 A. No.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

99

1 Q. Can you explain how it is that the alleged  
2 harasser should be forbidden to talk to the  
3 alleged victim about any matters at all except  
4 for strictly business whereas the alleged victim  
5 can talk to anybody and everybody about anything  
6 without restriction? Does that make sense to  
7 you?

8 MS. ASHER: Objection. Go ahead.

9 A. Never considered it. I can tell you that I  
10 believe these are national forms.

11 Q. You don't think they were changed around by  
12 Dr. Raphaely so that the alleged victim was free  
13 to say anything they want to anybody about  
14 anything but the alleged harasser could not talk  
15 to the alleged victim at all except matters of  
16 strictly business?

17 MS. ASHER: Objection. Go ahead.

18 A. I have no information as to whether this is the  
19 exact copy that's in the policy or if it's been  
20 altered.

21 Q. I understand. Okay.

22 I think I notice here that this is a form for  
23 a sexual harassment allegation, 33, Exhibit 33,  
24 correct?

25 A. Yes.

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

100

1 Q. Shouldn't a department head such as Dr. Raphaely  
2 know how the VA officially defines sexual  
3 harassment?

4 MS. ASHER: Objection. Go ahead.

5 A. Dr. Raphaely should know that if she has a  
6 question, she should seek the appropriate person.  
7 I don't think that we expect every service chief  
8 to know the intricacies of every single medical  
9 center policy.

10 Q. Okay. Fair enough.

11 Don't you think that Dr. Raphaely should  
12 either know how the VA defines sexual harassment  
13 or find out from an authoritative source how the  
14 VA defines sexual harassment before getting  
15 involved in an issue like Dr. Lisan's?

16 A. Yes.

17 MR. SINDELL: I think we're out of  
18 time, our time's up. I want to thank you  
19 very much for coming, not that you had a  
20 choice. We are going to have to try -- off  
21 the record.

22 - - - -

23 (Thereupon, a discussion was had off the  
24 record.)

25 (Deposition adjourned.)

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**101**

SIGNATURE PAGE

I, SUSAN M. FUEHRER, having read  
the foregoing deposition, do hereby certify said  
testimony is a true and accurate transcript;

\_\_\_\_\_ I submit no changes.

\_\_\_\_\_ I submit the following changes on  
the \_\_\_\_\_ errata sheet(s) attached hereto  
and made a part hereof.

\_\_\_\_\_  
SUSAN M. FUEHRER

\_\_\_\_\_  
DATE SIGNED

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

102

C E R T I F I C A T E

The State of Ohio, ) SS:  
County of Cuyahoga.)

I, Pamela S. Greenfield, a Notary Public within and for the State of Ohio, authorized to administer oaths and to take and certify depositions, do hereby certify that the above-named witness was by me, before the giving of their deposition, first duly sworn to testify the truth, the whole truth, and nothing but the truth; that the deposition as above-set forth was reduced to writing by me by means of stenotypy, and was later transcribed into typewriting under my direction; that this is a true record of the testimony given by the witness; that the deponent or a party requested that the deposition be reviewed by the deponent; that said deposition was taken at the aforementioned time, date and place, pursuant to notice or stipulations of counsel; that I am not a relative or employee or attorney of any of the parties, or a relative or employee of such attorney or financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office, at Cleveland, Ohio, this 8th of April, 2019.



Pamela S. Greenfield, CRR, RDR  
Notary Public, State of Ohio  
My commission expires July 2, 2023

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**103**

1 DO NOT WRITE IN TRANSCRIPT EXCEPT TO SIGN.  
2 Please note any word changes/corrections on this  
sheet only. Thank you.

3	Page/Line	Correction
4	_____	_____
5	_____	_____
6	_____	_____
7	_____	_____
8	_____	_____
9	_____	_____
10	_____	_____
11	_____	_____
12	_____	_____
13	_____	_____
14	_____	_____
15	_____	_____
16	_____	_____
17	_____	_____
18	_____	_____
19	_____	_____
20	_____	_____
21	_____	_____
22	_____	_____
23	_____	_____
24	_____	_____
25	_____	_____



**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

<p style="text-align: center;"><b>Exhibits</b></p> <p><b>Fuehrer Plaintiff's Exhibits 31 through 35</b></p> <hr/> <p style="text-align: center;"><b>1</b></p> <p>1/10/17 82:7 1/6/17 38:1 10 13:8 74:13,15,19 10th 67:8 11 74:15,19 12 6:20 74:15,19 13 75:8,15 14 45:14 46:2 69:5 15 51:14,20,21 54:7 56:1 58:10 76:3 16 14:16 51:19 54:8 56:2 58:10 18 46:6 58:16 18th 46:13 1981 7:23 1986 7:19 9:10 1987 10:3 1989 10:3 12:1 1990 8:10 1991 12:17 1996 13:6 19th 78:8</p> <hr/> <p style="text-align: center;"><b>2</b></p> <p>2 102:22 20 79:4,22 2000 14:5,8 15:4,6,25 2010 15:6,25 18:20 19:6,8 2016 20:6,14 2017 38:9,23 66:11,23 67:8 69:12 79:16,19 2018 46:6,13 47:7 48:17 52:1 58:16 2019 78:8 102:18 2023 102:22 2077 6:12 24 63:21 77:15 27 45:8 75:11,12 28th 19:6,8</p> <hr/> <p style="text-align: center;"><b>3</b></p> <p>3/19/19 62:18 30 11:10 67:23 77:14 31 38:1,5 43:12 66:24 75:7,9 77:5 32 62:16,18 69:1 77:6,7 33 82:5,7,13 98:2,12 99:23</p>	<p>34 87:25 88:2,6 98:1,5,8 35 97:7,9,14,24,25 98:3,11,21</p> <hr/> <p style="text-align: center;"><b>4</b></p> <p>4 14:8 49:24 60:23 98:15 45 23:11,16,17,25</p> <hr/> <p style="text-align: center;"><b>5</b></p> <p>5500 48:11</p> <hr/> <p style="text-align: center;"><b>6</b></p> <p>6 38:9 60 48:20 6th 38:20,23 40:7 66:11,23</p> <hr/> <p style="text-align: center;"><b>7</b></p> <p>70 63:8,21 71 62:24 63:7 74 78:22 79:1,22 75 78:22 7th 38:20</p> <hr/> <p style="text-align: center;"><b>8</b></p> <p>85 68:24 69:5 8th 38:21 102:18</p> <hr/> <p style="text-align: center;"><b>9</b></p> <p>90 14:7 92 12:17 9th 38:21</p> <hr/> <p style="text-align: center;"><b>A</b></p> <p>ability 62:2 above-named 102:8 above-set 102:10 absolutely 80:3 98:18 accommodation 15:9,21 22:6 67:4 91:5 accountable 54:12,20 accreditation 13:3 accuracy 5:16 50:22 accurate 101:8 accused 36:13 93:14 95:10,22 accusing 90:17 acknowledging 96:19 Act 60:9,22 acting 58:2</p>	<p>action 29:19 57:16 60:10,12,14,17 80:22 102:16 actions 50:10 58:18,19,21 activities 13:2 addition 4:19 additional 42:22 address 6:11 85:9 86:23 addressed 80:19 86:13 adjectives 50:23 adjourned 100:25 administer 102:7 administrative 15:18 90:20 advent 12:18 advice 43:21 affidavit 61:23 66:4,5 affidavits 65:1 79:18 aforementioned 102:13 afraid 78:15 age 4:1 agree 30:21 31:2 37:7 76:1 agreement 76:8 ahead 9:24 11:21 22:17 24:6 27:14 31:1,7 32:5 33:1,12 34:6 36:4,16,23 40:10,25 44:5 48:5 49:9 51:7 52:8 54:10 56:7 58:17 61:20,25 62:13 66:20 67:16 68:3,16 70:18 71:21 73:17 80:15,20,24 81:14 83:11 88:20 89:2,23 90:1,14 92:4,11 93:9 95:13 99:8,17 100:4 allegation 82:8,20 87:13 90:16 97:10 99:23 allegations 49:17 92:17 alleged 66:7 82:9,22 97:10,18 98:13,16,17,22 99:1,3,4,12,14,15 altered 99:20 Altose 17:10 18:10,13 38:9 39:3 41:25 42:11,13,14 43:11 47:13 66:18 amend 54:17 analyst 9:22 anesthesia 40:1 76:24 anesthesiologist 27:21,24 29:2 35:3</p>	<p>anesthesiologists 25:17,24 anesthesiology 17:18,19 18:5 25:8,15 26:9,14,16 27:13 35:1 44:16 48:17 51:4 53:14 57:7 Anesthetists 25:18,19,20 answers 94:11 apologize 31:20 59:11 75:13 87:11,14,24 appeared 73:21 appears 74:12 applied 17:16 20:13 appointed 79:7 appropriately 32:9 approximate 44:22 79:15 approximately 10:2,3 13:6,22 15:6 16:2,3 19:4 23:11 47:7 48:11 66:10,16 April 102:18 area 9:1 14:22 arm 79:8 Asher 4:22,23 22:17 24:6 27:14 29:13,22,24 30:5,25 31:7 32:1,5,15,23,25 33:11,24 34:1,6 36:4,15,23 40:10,25 43:7 44:5 48:5 49:9 51:5,7,15 52:8 54:10 56:7 57:12 58:17 60:7,21 61:20,25 62:13 65:7,19 66:20 67:16 68:3,16,25 70:17 71:21 72:10,12,15,18,25 73:17,23 75:10 76:19,21 77:12 78:9,18 79:12,14 80:15,20,24 81:11,14 83:10,16,21 84:8 85:2,16,23 86:5,8 87:9 88:20,24 89:2,17,23,25 90:14 92:4,11 93:9,16,25 94:7,13,15,19 95:12,23 96:15,19 97:3 99:8,17 100:4 asks 31:17 aspect 16:14 55:22 aspects 15:9 29:10 assignment 10:5 assistant 10:6 11:24 assume 5:10 7:25 15:4 55:6 64:14 67:11 78:12 79:15,18 91:20 92:2 assuming 20:11</p>	<p>attached 101:12 attempt 36:12 attended 59:7 attention 44:15 55:25 56:14 attorney 4:22,23 52:18 67:18 102:15 attorneys 43:14 56:9 77:25 78:2 80:25 attribute 68:5 authoritative 100:13 authorized 102:7 avoiding 11:8 37:4 aware 25:14 39:25 40:2 44:1,19,24 47:1 51:1,6,8 57:13 62:10,14 66:6,8 67:17,20 68:6 91:18</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p>B-E-A-R-S-S 26:21 B.S. 8:4 Bachelor 8:3 back 6:18 10:5,17,21 11:2 21:12 25:6 33:3 42:3 47:7 54:18 71:5 74:9 85:18,19,21 86:16 95:4 Background 49:12 backwards 13:24 bad 53:12,25 58:9 78:16 barely 82:12 based 7:2 85:9 86:23 basic 5:3 basically 96:9 basis 51:2 55:19 Bearss 26:20 began 50:11 beginning 32:13 67:12 begins 50:5 behalf 66:18 67:25 believes 26:5 bell 63:1 bill 12:12 billing 11:25 bit 12:19 13:12 45:15 68:15 blacked 73:24 74:11 blah-blah-blah 69:14 Bonfili 63:12,17,24,25 64:1,23 65:11 boss 54:9,11,14,20,23,25 80:9 bottom 46:2 63:8 77:15 box 60:24 69:6 break 31:23 34:12,15 45:16</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Susan M. Fuehrer (Vol I) - April 02, 2019**  
**Deposition**

<b>Brecksville</b> 9:14 14:13 <b>Brenda</b> 46:5 <b>Briefly</b> 20:23 <b>bring</b> 26:19 31:21 <b>broad</b> 14:25 22:19 <b>broader</b> 13:17 <b>brother</b> 7:9 <b>brought</b> 13:25 26:15 <b>Bruce</b> 90:24,25 91:1 95:18 <b>brushed</b> 70:3 <b>business</b> 98:18 99:4,16 <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <b>call</b> 17:7 18:25 45:8 59:10 69:11 72:1 <b>called</b> 4:1 13:8,20 91:8 <b>calling</b> 17:15 <b>calls</b> 91:11 <b>capacity</b> 9:11 17:23 18:7 22:14 39:7 43:10 91:6 <b>care</b> 30:16 54:12,21 85:25 <b>cared</b> 50:15 <b>carefully</b> 34:10 <b>carried</b> 57:24 <b>case</b> 4:15,16 8:9 9:7 21:3,13 23:4 26:10 27:9 28:2 37:6 64:14 67:12 81:9 91:16 <b>category</b> 24:22 <b>cease</b> 98:16 <b>center</b> 18:23 23:6 36:1,8 48:10 100:9 <b>CEO</b> 18:23 22:6,14 24:5 43:10 56:11 <b>certified</b> 4:5 25:16 <b>certify</b> 101:7 102:7,8 <b>cetera</b> 83:5 <b>chain</b> 47:24 48:7,15 <b>chair</b> 17:17,18 18:4 27:1,12 28:1 35:1,5 59:15 <b>chairperson</b> 26:9, 16 <b>chairs</b> 17:3 <b>chance</b> 20:22 38:11 88:12 <b>change</b> 18:20 20:4,9 50:1,11 <b>changed</b> 50:15 99:11 <b>changes/</b> <b>corrections</b> 103:1 <b>charge</b> 12:23 <b>charges</b> 37:5 <b>checked</b> 53:5	<b>checkbox</b> 82:8,21 87:13 97:10 <b>chief</b> 12:14,16 13:7, 10,20 14:6,10 16:23, 24 17:8,11,12,13,15 18:10,14,15,17,18 19:17 21:22,24,25 37:17,18,19 42:15 43:11 59:15 68:6 72:20 100:7 <b>chiefs</b> 16:23 17:7 48:20 <b>chiefs/department</b> 18:12 <b>children</b> 8:15 33:15 <b>chitchat</b> 32:19 33:7 <b>choice</b> 100:20 <b>choose</b> 47:22 <b>chose</b> 48:4 <b>chronically</b> 68:8 <b>Cincinnati</b> 19:19,20 <b>CIO</b> 13:19 <b>circumstance</b> 35:5 <b>circumstances</b> 35:11 37:4 <b>Civil</b> 4:4 <b>claim</b> 35:23 84:23 <b>claimed</b> 44:17 <b>claims</b> 44:3 92:16 <b>clarification</b> 5:7 28:22 29:5 <b>clarify</b> 5:9 21:20 27:16 28:3 62:1 <b>clear</b> 5:23 25:11 85:11 96:6 <b>Cleveland</b> 6:21 7:3 9:1,13 12:3,4,5 14:11, 17,22 19:24,25 21:15 22:6,23 102:17 <b>client</b> 4:21 <b>client's</b> 83:9 <b>clinical</b> 18:11 <b>clinics</b> 14:19 <b>clipped</b> 38:5 <b>close</b> 30:10,12 33:20 <b>coach</b> 61:18,22 <b>coached</b> 62:1,4 <b>code</b> 31:9,14 32:3, 14,21 33:9,14 53:9 <b>coders</b> 11:25 12:1,8 <b>coffee</b> 31:23 <b>coincidental</b> 66:19 67:15 <b>collateral</b> 10:5 11:22 <b>collecting</b> 90:3 <b>collectively</b> 44:17 <b>college</b> 7:14,18 9:6 <b>color</b> 29:2 <b>command</b> 47:25 48:7,15 <b>comment</b> 35:14 53:25 87:3	<b>comments</b> 83:24 84:2 85:5 86:19 92:21 <b>commission</b> 13:3 102:22 <b>committee</b> 22:2 <b>common</b> 76:4 <b>communication</b> 26:6 <b>company</b> 7:7 8:23 <b>complainant</b> 70:8 <b>complained</b> 27:20 63:13,14 66:17 <b>complaint</b> 10:11,12, 15,16 11:6,7,9 16:20 23:8,9,13 24:1,14,22 27:4 28:7 34:25 45:3 64:7,9,11 70:25 71:7 77:4 84:10,12,14 <b>complaints</b> 10:8 13:4 15:15 17:5 20:6, 16 36:11 40:6 44:1 54:3 58:6 61:24 64:2 66:8,14 67:2,6,13,23 68:1,12,20 70:14,20, 25 71:2,8,10,14,19 77:2 79:8 88:8 92:8 <b>complete</b> 57:9 62:1, 2 66:5 81:22 <b>completed</b> 57:18, 19,20,21 58:20 59:3, 7,12 88:15 <b>completely</b> 73:14 80:19 <b>computer</b> 13:15 59:12 <b>concentrate</b> 25:7 <b>concern</b> 26:12,15 27:5 73:6 <b>concerns</b> 61:8,9 70:23 75:25 76:4 <b>Conclusion</b> 75:18 <b>Condescending</b> 60:25 <b>conduct</b> 31:9,15 32:4,14,22 33:10,14 36:9 44:4,11 53:9 <b>conducted</b> 65:3 <b>connected</b> 19:21 21:2 59:13 <b>Connecticut</b> 6:24 7:21 <b>connotation</b> 84:18 <b>considered</b> 75:24 99:9 <b>consistent</b> 47:4 <b>constant</b> 76:8,9 <b>construed</b> 84:3 <b>consult</b> 20:22 80:25 <b>contact</b> 28:9 64:1,4 70:23 88:3 89:4 98:16 <b>contents</b> 41:15	<b>context</b> 75:1 81:2 89:3,4 <b>continue</b> 11:19 17:20 <b>continuing</b> 60:23 <b>continuously</b> 19:7 <b>contrary</b> 31:14 32:3 76:7 <b>control</b> 15:19 <b>conversation</b> 27:22 89:22 <b>conversations</b> 30:22 <b>COO</b> 14:25 15:3,8 16:12,18,19 17:4 18:6 <b>coordinator</b> 91:4,7, 9 <b>copies</b> 74:10 <b>copy</b> 43:16 62:23 73:24 74:9,11 99:19 <b>correct</b> 4:11 6:2 9:17 10:15 11:3 13:18 14:13 16:1,8,15 18:16 21:16 22:13,16 23:24 24:5,14 26:1,10,17 27:5 38:22,25 39:2 40:24 48:6 49:4,19 55:10 60:16 62:9 64:24 67:4 68:17 69:10,16 72:11,14,17 76:20 77:16 82:22 84:7 87:20 97:20 99:24 <b>corrected</b> 60:16 <b>Correction</b> 103:3 <b>corrective</b> 58:19,21 60:10,12,14,17 <b>correctly</b> 4:13 46:7 50:12,20 61:5 66:5 76:11 98:19 <b>Costanzo</b> 62:19 63:1,14,17 72:16,17 77:18 79:21 <b>Costanzo's</b> 77:16 <b>counsel</b> 4:21 14:3 20:20 39:23 40:20 41:10 42:25 43:14 56:8 57:13 96:9 102:14 <b>counsel's</b> 5:4 <b>counseling</b> 10:7,9 11:5 <b>counselor</b> 11:22 28:15 <b>counselors</b> 11:13 <b>count</b> 49:3 <b>County</b> 102:5 <b>couple</b> 5:2,3 9:21,22 62:12 86:10 <b>court</b> 4:17,20 5:17 <b>Covered</b> 15:2	<b>create</b> 5:16 <b>creates</b> 5:16 <b>critical</b> 77:21 <b>CRNA</b> 25:23 26:5,24 27:4,11,20 31:24 32:11,12 35:1,4 36:13 58:8 61:18,23 63:5,13 88:7 89:8 92:17 <b>CRNAS</b> 25:16 26:24 33:19 44:2,16,19,21, 22 45:1 46:24 50:5,8 51:3,17 52:5 53:14 54:2 56:2 58:2,10 61:2 66:15 67:7,24 68:21 76:3 92:8 <b>cross-examination</b> 4:3,7 <b>CRR</b> 102:21 <b>curiously</b> 66:19 <b>Cut</b> 86:7 <b>Cuyahoga</b> 102:5 <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <b>D.o.s</b> 25:25 <b>database</b> 12:12 <b>date</b> 19:4 38:18,22 66:23 89:11 101:17 102:13 <b>dated</b> 38:9,17 <b>day</b> 78:8 79:22 <b>days</b> 23:11,16,17,25 38:17,20,22 46:13 66:10,16 67:8,24 68:13,21 <b>December</b> 20:6,13 <b>decisions</b> 22:1,2 <b>define</b> 13:11 22:25 83:13,17 <b>defined</b> 83:18 <b>defines</b> 100:2,12,14 <b>definition</b> 83:22 84:15 87:20 <b>degree</b> 7:24 8:4 <b>degrees</b> 8:5 <b>delivery</b> 38:10 <b>department</b> 17:3, 17,18,19 18:4 24:21 25:8,15 26:9,14,16 27:12 28:1 29:21 35:2,5 36:11,19 37:11,13,18 41:14 43:16 44:16 48:16,21 51:4,18 52:4,5,10,13, 14 53:13,21 54:8 55:8,13 56:2 57:6 59:15 71:1,9 100:1 <b>departments</b> 16:23 48:22 <b>depend</b> 30:9 <b>depending</b> 28:12 33:17 37:3 55:9 75:24
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Susan M. Fuehrer (Vol I) - April 02, 2019**  
**Deposition**

<p><b>depends</b> 35:11 55:15 90:18 <b>deponent</b> 102:12,13 <b>deposed</b> 4:5 <b>deposition</b> 4:18,25 20:25 46:24 61:19 62:15,19 69:3 77:16, 20 78:7 100:25 101:7 102:9,10,12,13 <b>depositions</b> 5:2 102:8 <b>describe</b> 13:11 61:2 <b>describes</b> 67:2 <b>description</b> 9:3 21:19 <b>descriptive</b> 54:4 <b>designated</b> 23:20 <b>detail</b> 7:12 <b>details</b> 75:1 <b>determination</b> 61:14 <b>develop</b> 47:13 <b>developed</b> 11:17 <b>development</b> 59:9 <b>diagnoses</b> 12:11 <b>Die</b> 8:20 <b>difference</b> 21:23 31:16 <b>differences</b> 35:6 <b>direct</b> 15:22 16:20, 22 18:13 21:25 24:16 41:16 47:18 96:12 <b>direction</b> 102:11 <b>directly</b> 9:7 23:1 26:25 48:2 <b>director</b> 15:11 18:23,24 19:1,3,5,19 21:15 43:10 56:12 <b>director/ceo</b> 39:7 49:8 <b>disability</b> 67:3 <b>disagree</b> 36:22 <b>disciplinary</b> 60:12 <b>disciplined</b> 60:6 <b>discrimination</b> 15:16 49:18 67:2,3 <b>discriminatory</b> 50:19 52:6 55:11 56:4 58:4 <b>discuss</b> 20:19 <b>discussion</b> 6:15 25:3 28:11,24 63:11, 23 77:9 82:1 100:23 <b>discussions</b> 31:10 63:25 <b>disruptive</b> 96:8 <b>dissatisfaction</b> 75:22 <b>dissatisfied</b> 76:10 <b>distinction</b> 31:18 <b>District</b> 4:17</p>	<p><b>disturb</b> 76:14 78:14 80:14 <b>disturbing</b> 65:6,9, 17 66:1 77:20 <b>Division</b> 4:18 <b>divisive</b> 50:19 52:7 55:15 56:4 58:4 <b>doctor</b> 25:21 <b>document</b> 45:15 46:20 47:10 <b>documented</b> 66:9 68:7 <b>documents</b> 21:2 37:24 <b>doubt</b> 35:24 36:2 40:11,22 41:1 <b>Dove</b> 8:20 <b>Drive</b> 6:12 <b>duly</b> 4:4 102:9 <b>duty</b> 11:22</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>earlier</b> 66:12 <b>early</b> 37:4 69:12 <b>Eastern</b> 4:18 <b>Edge</b> 6:12 <b>education</b> 36:19 <b>EEO</b> 9:25 10:1,4,7, 14,16 11:7,13,22 15:10,15,21 16:7,10, 17,20 17:5 18:6 20:5, 15 22:13,20,22 24:9, 10,11,22 26:7 27:5 28:15 35:8,15,19,23, 24 36:2,9,11 37:8,15 40:5 47:12 64:7,9,11 65:2 90:4 91:4,7,9 <b>efficient</b> 93:18 94:2 <b>efforts</b> 11:6 <b>Elaine</b> 62:19,25 63:14 65:10 <b>elect</b> 41:13 <b>elected</b> 41:11 <b>electronic</b> 12:20 <b>elects</b> 23:2 31:17 32:7 <b>email</b> 38:10,25 39:10,12 66:10,16 88:21 <b>emailed</b> 66:23 <b>emails</b> 66:21 <b>employed</b> 8:17 <b>employee</b> 10:10 11:8 23:2 24:2,9 26:8, 11 28:9 30:2 31:10 33:14 35:13 39:23 40:20 41:9 42:24 43:14 48:13 56:9 57:14 71:24 72:4,5,8, 23 73:2,6 83:25 90:4 102:14,15</p>	<p><b>employee's</b> 85:9 86:24 <b>employees</b> 10:7 25:15 31:9 40:6 48:11 50:16 53:20 54:13,22, 24 71:15,18 72:21 75:23 <b>employees'</b> 53:16 <b>employment</b> 11:18 <b>encounters</b> 70:2 <b>encourage</b> 72:2 <b>encouraging</b> 69:18 <b>entire</b> 19:25 20:1 21:15 57:6 58:8 71:1, 9 76:7 89:3 <b>entitled</b> 96:15 <b>environment</b> 15:17 33:13 50:1 <b>errata</b> 101:12 <b>evaluation</b> 68:8 <b>event</b> 5:1 10:23 91:15 <b>events</b> 11:15 <b>everything's</b> 20:12 76:18 <b>exact</b> 38:18 86:25 99:19 <b>examples</b> 60:4 <b>excuse</b> 26:7 49:7,12 51:3 89:4 <b>executive</b> 18:24 19:1 21:25 22:1,2 49:7 56:11 <b>Exhibit</b> 38:1,5 43:12 62:16,18 66:24 69:1 75:7,9,11 82:5,7,13 87:25 88:2 97:7,9,14 99:23 <b>exist</b> 53:24 55:12 <b>existed</b> 11:7 15:23 <b>expect</b> 41:3 42:10 90:9 92:15 100:7 <b>experience</b> 30:16 69:14,15,17,21 <b>experiencing</b> 76:5 <b>expires</b> 102:22 <b>explain</b> 99:1 <b>extensively</b> 57:15 <b>extent</b> 22:10 <b>external</b> 13:3 <b>eye</b> 11:8</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>F-U-E-H-R-E-R</b> 6:8 <b>fabricate</b> 44:9 <b>facilities</b> 11:2 13:13 14:18 19:18 <b>facility</b> 10:17 11:1 <b>fact</b> 16:10 30:18 36:20 40:14 51:1 54:1 55:24 57:9,11 90:4,8, 9,21 91:16,21,23</p>	<p>92:14,16 93:2,7 <b>facts</b> 49:17 <b>fair</b> 5:11 18:2 81:7 100:10 <b>fallen</b> 15:10 <b>false</b> 44:2 <b>familiar</b> 16:5 24:12, 19 97:17 <b>faster</b> 81:21 <b>father</b> 7:1,4 <b>faucet</b> 7:7 <b>faucets</b> 7:2,5 <b>FBI</b> 52:19 <b>fear</b> 76:5 77:19 78:17 <b>feared</b> 80:9,11 <b>fearful</b> 79:24 <b>feel</b> 92:22 <b>feelings</b> 35:6 <b>feels</b> 72:5 <b>fell</b> 15:11,18,22 <b>felt</b> 64:10 70:21 <b>female</b> 59:22,23 <b>field</b> 78:2 <b>figure</b> 34:11 <b>figured</b> 6:1 <b>file</b> 10:14 24:9 84:10, 11,14 <b>filed</b> 10:7 23:7,10 40:5 <b>filing</b> 10:10 24:1,13 <b>fill</b> 61:23 <b>filled</b> 97:16 <b>filling</b> 65:1 <b>Finally</b> 95:25 <b>financially</b> 102:15 <b>find</b> 11:18 55:18 65:6 66:18 67:12 71:18 76:10 85:6 86:19 87:23 89:21 92:20 100:13 <b>finder</b> 90:8,10 91:21 92:15 93:2,7 <b>finding</b> 57:9,11 90:5, 21 91:16 92:16 <b>finds</b> 87:3 <b>fine</b> 19:1 29:6 76:18 89:5 92:13 94:5 <b>finish</b> 4:24 21:8 34:7 75:3 <b>finished</b> 29:14 34:2 94:14 <b>fiscal</b> 16:24 <b>fits</b> 24:22 <b>FOIA</b> 74:8 <b>follow</b> 29:17 47:24 48:7 <b>forbidden</b> 99:2 <b>foregoing</b> 101:7 <b>form</b> 62:1,2 82:18,19 97:11,16 99:22 <b>formal</b> 8:5 10:11,12, 16 11:6,9 22:22,24,25</p>	<p>23:2,7,9 24:1,14 35:8 37:4,5 90:19 <b>formally</b> 23:4 60:13 <b>forms</b> 99:10 <b>forwarded</b> 39:19 <b>Foster</b> 70:7,11 <b>found</b> 92:3,7,21 <b>foundation</b> 83:8,11 <b>frame</b> 13:22 79:17 <b>frank</b> 74:2 <b>free</b> 99:12 <b>friendly</b> 30:19 <b>friends</b> 30:10,12 33:20 <b>front</b> 23:1 66:25 <b>Fuehrer</b> 4:1,7,9,19, 21 5:5 6:8,9 8:14 32:6 101:6,15 <b>Fuehrer/altose</b> 38:2 <b>full</b> 5:18 6:6 <b>fully</b> 5:6 <b>function</b> 13:17 <b>functions</b> 21:24</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>gave</b> 23:12 <b>Gees</b> 53:5 <b>general</b> 8:20 16:7 24:12 31:2 39:23 40:20 41:10 42:25 43:14 56:8 57:13 67:4 <b>generated</b> 67:7 <b>give</b> 5:3 13:22 15:3 44:21 46:9 55:5 62:22 74:10 88:11 <b>giving</b> 26:6 102:8 <b>glad</b> 5:13 96:25 <b>goal</b> 78:2 <b>good</b> 17:25 20:10 25:13 37:23 38:13 43:20 53:12,18,20,24, 25 54:7,9,12,21 55:8, 11 58:9 79:2 89:15 <b>govern</b> 24:20 <b>government</b> 84:22 <b>graduate</b> 7:18 <b>graduated</b> 6:24 8:9 9:6 <b>great</b> 45:19 <b>Greenfield</b> 102:6,21 <b>Greenspan</b> 65:3 79:4,23 <b>ground</b> 5:3 <b>group</b> 26:23 56:9 57:15 58:8 76:7 <b>groups</b> 51:9 <b>grow</b> 6:21 <b>guess</b> 22:4 28:8 79:7 98:12</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

<p style="text-align: center;"><b>H</b></p> <p><b>hair</b> 29:3  <b>Hammond</b> 4:23  <b>Hampshire</b> 6:25  7:1,17,25 9:8  <b>hand</b> 45:9 49:3  102:17  <b>handbook</b> 16:6  <b>handles</b> 91:5  <b>handling</b> 20:5  <b>hands-on</b> 56:14  <b>handwriting</b> 83:1  <b>happen</b> 28:24 39:2  76:1  <b>happened</b> 64:17  65:15  <b>happy</b> 44:20 54:14,  22,25  <b>harasser</b> 82:9,22  97:19 98:13,16 99:2,  14  <b>harassment</b> 15:17  28:18,21 44:3,10  82:8,20 83:14,23  84:16,21,24,25 87:7,  13,19 92:7,9,25 93:13  95:8,16,19,20 97:10  99:23 100:3,12,14  <b>hard</b> 34:7 36:24  48:12 83:19 89:6  <b>head</b> 17:18 24:21  26:23 29:20 36:10  37:10,12,18 41:14  52:4,13,14 53:13,21  55:8 56:3 95:3 100:1  <b>heads</b> 17:3 18:12  48:16,21,22  <b>healthcare</b> 59:8  <b>hear</b> 24:24 42:8  54:16 57:4,5,9 64:8  94:24 95:2  <b>heard</b> 17:16 63:11,  23 64:6,10,20,23  69:13,17,21,23,25  70:5 71:16 72:22,23  73:3 96:20 97:1  <b>helpful</b> 14:1 36:22  <b>hereinafter</b> 4:5  <b>hereof</b> 101:13  <b>hereto</b> 101:12  <b>hereunto</b> 102:17  <b>high</b> 6:24 7:20 16:25  <b>higher</b> 17:13  <b>highlight</b> 88:22  <b>highlighted</b> 96:11  <b>highly</b> 30:1  <b>historically</b> 15:10  33:22  <b>history</b> 9:4 12:20  <b>Hold</b> 13:10</p>	<p><b>holding</b> 54:11,20  <b>home</b> 6:25 8:17  69:12  <b>homes</b> 33:21  <b>honest</b> 17:17  <b>honestly</b> 62:3  <b>honesty</b> 54:2  <b>hope</b> 53:5  <b>hospital</b> 13:2 28:25  <b>hostile</b> 15:16 50:18  52:6 56:3 58:3  <b>hostility</b> 55:7  <b>hours</b> 4:25  <b>how's</b> 29:10,11  <b>huh-huh</b> 5:15  <b>human</b> 43:15  <b>Humbly</b> 46:3,5  <b>husband's</b> 8:13  <b>hypothetical</b> 27:8  28:23  <b>hypothetically</b> 93:2</p> <p style="text-align: center;"><b>I</b></p> <p><b>ICD-9</b> 12:8  <b>idea</b> 24:15 46:9  56:17  <b>identification</b> 38:3  62:20 82:10 88:4  97:12  <b>identify</b> 12:11 49:17  70:23 71:12  <b>II</b> 49:25  <b>imagine</b> 93:3  <b>immediately</b> 35:7  <b>impersonal</b> 30:23  <b>implemented</b> 76:6  <b>important</b> 39:18,21  75:19,22  <b>impression</b> 50:14  <b>improve</b> 52:15  <b>improvement</b> 60:19  76:23  <b>improvements</b>  60:18  <b>inappropriate</b> 26:6  30:1 35:14 36:9 44:4,  7,11 61:21 62:6,8  70:4 85:6 86:20 87:4  <b>inappropriately</b>  32:8 70:22 93:23  <b>incidents</b> 92:19  <b>include</b> 11:6 13:15  37:17  <b>including</b> 19:10  30:12  <b>incorrect</b> 95:15  <b>indicating</b> 24:3  36:20 55:25  <b>indication</b> 58:1  71:24 93:12 95:8  <b>individual</b> 36:12</p>	<p><b>informal</b> 10:6,9  28:14 37:9,16  <b>informality</b> 90:21  <b>information</b> 12:15  13:7,10,14 14:6 19:17  24:10 27:10 33:22  42:22 73:18 90:3  99:18  <b>informed</b> 97:1  <b>initial</b> 22:22 50:14  88:7  <b>initials</b> 83:9  <b>initiated</b> 32:18 33:5  <b>innuendo</b> 89:1  <b>instance</b> 58:11  <b>instances</b> 36:21  <b>intend</b> 80:22  <b>interchange</b> 37:20,  22  <b>interest</b> 56:6 94:1  <b>interested</b> 102:16  <b>interesting</b> 17:14  <b>intern</b> 9:12,20  <b>internally</b> 10:13  <b>Internet</b> 12:18,19  <b>interposed</b> 96:9  <b>interrupt</b> 21:9  <b>interrupted</b> 86:4,9  94:10  <b>interrupting</b> 93:22  94:5,16,18  <b>interruptive</b> 96:8  <b>interviews</b> 51:2  <b>intricacies</b> 100:8  <b>investigate</b> 23:4  52:20 55:18 79:8 81:5  <b>investigated</b> 10:24  <b>investigating</b> 70:13  89:19  <b>investigation</b> 28:14  79:7,9 89:24 90:9,16,  18,19,20 95:14  <b>investigator</b> 61:24  79:6  <b>involved</b> 80:5,8  100:15  <b>involvement</b> 15:20  16:17,19 22:1 24:16  <b>involves</b> 22:9  <b>irrespective</b> 24:15  <b>issue</b> 5:8 23:6 26:7,  11,14 27:18 100:15  <b>issues</b> 20:20 22:7  36:8,10 39:25 40:2  68:5 71:24</p> <p style="text-align: center;"><b>J</b></p> <p><b>January</b> 38:9,20,23  39:25 40:7 66:11,23  67:8 69:12  <b>Jessica</b> 70:7,11</p>	<p><b>job</b> 13:11 14:25  16:12 24:4 76:10  <b>Johnson</b> 4:23 34:5,  12,16 83:7 86:3 89:6  96:23 98:4,7,10  <b>Joint</b> 13:3  <b>July</b> 102:22  <b>June</b> 46:6,13 47:7  48:17 52:1 58:16  <b>justification</b> 56:1</p> <p style="text-align: center;"><b>K</b></p> <p><b>K-I-N-N-A-R-D</b>  59:21  <b>Kafer</b> 90:23,25 91:1  95:18  <b>Karin</b> 63:11,23,25  64:1,10,23 65:11  <b>Kazdan</b> 68:7  <b>kids</b> 31:13,23 32:12  <b>kind</b> 10:13 13:17  18:5 24:21 26:7 27:18  29:19 54:4 59:6 61:10  70:3  <b>kinds</b> 30:19,22  <b>Kinnard</b> 59:17,18  60:1  <b>knew</b> 59:5 73:8  <b>knowledge</b> 6:3  57:25</p> <p style="text-align: center;"><b>L</b></p> <p><b>labor</b> 39:23 40:20  41:9 43:15 56:9 57:14  <b>language</b> 54:4  <b>late</b> 68:8  <b>law</b> 53:2  <b>lawful</b> 4:1  <b>lead</b> 26:23  <b>leader</b> 52:9  <b>leadership</b> 44:20  59:9  <b>leave</b> 45:13 81:18  <b>left</b> 46:2 63:8 69:6  <b>letter</b> 38:2,8,14  40:18 41:3,15 42:23  43:12 66:11,16,24  67:18 68:1,4,13,21  <b>letters</b> 39:5  <b>level</b> 10:24 92:9  <b>life</b> 70:4  <b>limited</b> 24:8  <b>Lisa</b> 4:23  <b>Lisan</b> 4:16,21 6:2  25:18 40:1,3,6 43:25  44:3,8 63:14 64:2  66:15 67:7,19 68:7,20  69:16,18 70:3,9,11,14  71:2,10,19 74:5,9,17,  20 75:1 83:3,5 89:15,  21 90:10,11 92:16,18,</p>	<p>23  <b>Lisan's</b> 53:4 61:24  67:25 73:21 74:12  79:8 100:15  <b>listen</b> 34:10 54:16  <b>live</b> 6:9,10  <b>lived</b> 6:19  <b>lives</b> 32:20 33:8  <b>locally</b> 10:24  <b>locations</b> 14:16  <b>logical</b> 40:17 42:17  <b>logistics</b> 16:23  <b>long</b> 6:19 9:19 34:14  44:6 45:5,14 93:5  94:12  <b>looked</b> 57:15  <b>lot</b> 15:2 46:20 61:3  81:8  <b>lots</b> 18:25 28:24  <b>loud</b> 63:9  <b>Louis</b> 14:12,14 25:9,  10  <b>lounge</b> 31:24 32:11  <b>low</b> 18:9</p> <p style="text-align: center;"><b>M</b></p> <p><b>M-O-E-N</b> 7:7  <b>M.d.s</b> 25:25  <b>made</b> 17:5 27:21,22  36:20 43:13 46:22  54:3 57:17 74:8 92:17  101:13  <b>mail</b> 38:10  <b>mailing</b> 74:6  <b>majority</b> 51:3 52:5  55:12 61:2  <b>make</b> 10:15 17:25  31:18 44:2 50:16  60:18 61:14 70:20  71:14 72:5,21 73:2,8  76:9 78:10 80:2 84:23  85:5 86:19 87:16 99:6  <b>makes</b> 88:25  <b>making</b> 36:13 43:25  90:8  <b>male</b> 59:22  <b>management</b>  10:19,21 11:11,12  12:24,25 13:1 17:1  22:19 23:3,5 24:3  37:8 43:16 59:10  <b>manager</b> 8:20 9:25  10:1,4 15:11 24:10,11  35:15,19,24 36:2  37:15 47:12  <b>March</b> 78:8  <b>Margaret</b> 59:25  <b>mark</b> 37:24 62:15  82:4 87:25 96:2  <b>marked</b> 38:2 62:20  82:9 88:3 97:11 98:4,  8</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



**Susan M. Fuehrer (Vol I) - April 02, 2019**  
**Deposition**

<p><b>marriage</b> 29:9,10, 11,12 30:3,13 33:16</p> <p><b>married</b> 8:11 53:1</p> <p><b>master</b> 76:7</p> <p><b>material</b> 20:11</p> <p><b>matter</b> 30:18 35:7 56:10 57:3,15 89:20 91:23</p> <p><b>matters</b> 16:7,18 17:5 22:13,20 32:20 33:8 47:24 80:17 99:3,15</p> <p><b>MBA</b> 8:10</p> <p><b>meaning</b> 7:13</p> <p><b>means</b> 60:15 71:17 78:3 102:10</p> <p><b>meant</b> 54:15 60:17 78:16 87:18</p> <p><b>mediate</b> 35:6</p> <p><b>medical</b> 12:10,21 18:15,17,23 19:3,5 21:15,23 22:1,2,10 23:6 36:1,8 39:7 43:10 48:10 49:7 56:11 100:8</p> <p><b>memory</b> 51:25 92:6</p> <p><b>mentioned</b> 79:6</p> <p><b>mentor</b> 59:13,14</p> <p><b>met</b> 51:9</p> <p><b>Metal</b> 8:25</p> <p><b>mind</b> 40:22 41:2 45:13 55:4 93:23</p> <p><b>minute</b> 82:24</p> <p><b>minutes</b> 45:18,19 94:1 96:24</p> <p><b>misleading</b> 44:2</p> <p><b>mistake</b> 75:12</p> <p><b>misunderstanding</b> 35:22</p> <p><b>s</b> 35:22</p> <p><b>Moen</b> 7:2,5,7</p> <p><b>moment</b> 34:17</p> <p><b>money</b> 76:8</p> <p><b>months</b> 62:12</p> <p><b>mouth</b> 62:5 95:3</p> <p><b>moving</b> 35:7</p> <p><b>multiple</b> 61:4</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>narrative</b> 96:8</p> <p><b>national</b> 99:10</p> <p><b>nature</b> 16:17 21:13 27:11 28:7,17 29:7 48:23 84:4 85:15</p> <p><b>necessarily</b> 15:21 35:10 43:17 66:3 67:17</p> <p><b>needed</b> 39:22 57:1,4</p> <p><b>negative</b> 78:16</p> <p><b>Northern</b> 4:17</p> <p><b>Notary</b> 33:5 42:6 54:19 71:6 86:17 95:6 102:6,22</p>	<p><b>note</b> 75:19,22 103:1</p> <p><b>noted</b> 96:16</p> <p><b>notice</b> 99:22 102:14</p> <p><b>noticed</b> 68:4 97:23</p> <p><b>notified</b> 24:8</p> <p><b>noting</b> 96:17</p> <p><b>number</b> 15:23 44:15,22 45:1 51:20 60:4 71:18 74:22 77:13 98:15</p> <p><b>Numeral</b> 49:25</p> <p><b>nurse</b> 25:16</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>oath</b> 5:22 78:15</p> <p><b>oaths</b> 102:7</p> <p><b>Object</b> 51:5</p> <p><b>objecting</b> 29:16</p> <p><b>objection</b> 22:17 24:6 27:14 29:13,24 30:5,25 31:7 32:1,5, 15,23,25 33:11,24 36:4,15,23 40:10,25 43:7 44:5 48:5 49:9 51:7,15 52:8 54:10 56:7 57:12 58:17 60:7,21 61:20,25 62:13 65:7,19 66:20 67:16 68:3,16 70:17 71:21 72:10,12,15,18, 25 73:17,23 76:19,21 78:18 79:12 80:15,20, 24 81:11 83:10,16 84:8 85:2,16 87:9 88:20,24 89:2,17,23, 25 90:14 92:4,11 93:9,16 95:12,23 96:7,16,20 99:8,17 100:4</p> <p><b>obligation</b> 71:14 72:4,20 73:1</p> <p><b>obtain</b> 78:3</p> <p><b>obtained</b> 7:24</p> <p><b>obtuse</b> 36:25</p> <p><b>occasion</b> 87:6</p> <p><b>occurred</b> 65:12 79:16</p> <p><b>occurrence</b> 23:12</p> <p><b>October</b> 79:16,19</p> <p><b>office</b> 10:19,20 11:11,12 22:19 23:3,5 24:2 37:8,16 39:22 40:19 41:9 42:25 43:13 56:8 57:13 68:2 102:17</p> <p><b>officer</b> 13:7,10 14:6, 10 18:14,18 19:17 21:25 28:16</p> <p><b>official</b> 10:10,13 91:10 98:18</p> <p><b>officially</b> 100:2</p>	<p><b>Ohio</b> 4:18 6:10,12 7:2,3 13:8,14 19:18 102:4,7,17,22</p> <p><b>one's</b> 97:17</p> <p><b>one-to-one</b> 51:2</p> <p><b>operating</b> 14:10 18:14,18 34:22 41:22 42:18 57:8</p> <p><b>operation</b> 34:23 50:15</p> <p><b>opinion</b> 56:15,16,17, 18</p> <p><b>opportunity</b> 20:19 70:22 72:7 73:3</p> <p><b>order</b> 87:7 88:9</p> <p><b>ordered</b> 98:15</p> <p><b>original</b> 74:12</p> <p><b>ORM</b> 24:2 79:7</p> <p><b>other's</b> 33:20</p> <p><b>outpatient</b> 14:19</p> <p><b>oversaw</b> 13:14</p> <p><b>oversees</b> 13:1</p> <p><b>oversight</b> 21:23 22:20,23</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>Page/line</b> 103:3</p> <p><b>Pamela</b> 102:6,21</p> <p><b>paper</b> 13:23</p> <p><b>paragraph</b> 49:15 50:4 75:18 76:14</p> <p><b>paraphrasing</b> 85:3 86:18</p> <p><b>parentheses</b> 82:21</p> <p><b>part</b> 11:8 16:11 17:4 21:13 42:8 49:15,16, 21 55:7 60:24 79:5 83:5 86:25 89:24 92:16 101:13</p> <p><b>partially</b> 46:14</p> <p><b>participate</b> 80:3</p> <p><b>participated</b> 59:8 80:4</p> <p><b>parties</b> 102:15</p> <p><b>partner</b> 52:18</p> <p><b>partners</b> 53:2</p> <p><b>party</b> 102:12</p> <p><b>patient</b> 13:2,4</p> <p><b>patients</b> 57:7</p> <p><b>penalizes</b> 58:8</p> <p><b>people</b> 12:10,12 30:18 32:10,21 33:8, 18 35:22 44:9 51:3 54:8 79:9</p> <p><b>perceive</b> 85:7 86:21</p> <p><b>perceived</b> 84:6,7, 11,17</p> <p><b>perception</b> 53:16, 21,24 54:1,6 55:7,12, 14 58:9 61:11 85:10 86:24</p>	<p><b>perceptions</b> 50:2 53:23 57:6</p> <p><b>performance</b> 68:8 76:22</p> <p><b>period</b> 16:4,11 23:18,20 24:15</p> <p><b>person</b> 18:5 26:23 90:17 93:14 95:9,21 100:6</p> <p><b>personal</b> 30:23 31:5 32:20 33:7,20,22 51:2</p> <p><b>personally</b> 55:18</p> <p><b>pertaining</b> 16:7 28:21 75:1</p> <p><b>phone</b> 69:11</p> <p><b>phones</b> 13:15</p> <p><b>phrase</b> 10:13</p> <p><b>physician</b> 22:3</p> <p><b>physicians</b> 25:25</p> <p><b>pick</b> 39:10 88:10</p> <p><b>piece</b> 13:23</p> <p><b>pin</b> 90:7</p> <p><b>place</b> 14:20 56:12 102:14</p> <p><b>Plaintiff</b> 4:2</p> <p><b>Plaintiff's</b> 38:1 62:18 82:7 88:2 97:9</p> <p><b>plan</b> 47:13 52:15 60:19 76:23</p> <p><b>point</b> 14:12 18:22 19:14 27:7,13 29:17 40:23 91:24</p> <p><b>pointed</b> 95:15</p> <p><b>policies</b> 76:5</p> <p><b>policy</b> 23:1 35:14 36:1,8 85:3 86:17 99:19 100:9</p> <p><b>portion</b> 42:5</p> <p><b>posit</b> 33:19</p> <p><b>position</b> 18:4,20 19:7,12 42:15,16</p> <p><b>positions</b> 16:25</p> <p><b>practice</b> 67:23</p> <p><b>preamble</b> 29:17</p> <p><b>preclude</b> 43:1</p> <p><b>preliminary</b> 11:13, 14</p> <p><b>prepare</b> 20:24</p> <p><b>preparing</b> 21:4</p> <p><b>present</b> 4:19 19:10 20:6,14</p> <p><b>presentations</b> 36:20</p> <p><b>pretty</b> 14:24</p> <p><b>previously</b> 21:4 76:22</p> <p><b>primary</b> 40:18</p> <p><b>prior</b> 10:10 11:5,11 22:22,24 24:1 58:16 68:6</p> <p><b>Privacy</b> 60:8,22</p>	<p><b>problem</b> 5:17,20 81:23</p> <p><b>procedure</b> 4:4 35:8 41:22 42:18</p> <p><b>procedures</b> 20:5,15 24:13</p> <p><b>Proceed</b> 94:7</p> <p><b>professional</b> 30:2 31:11 33:13 94:21</p> <p><b>professionals</b> 78:2</p> <p><b>program</b> 9:22 10:6 11:24 59:9</p> <p><b>prohibited</b> 48:1</p> <p><b>promoted</b> 9:21</p> <p><b>promptly</b> 40:23</p> <p><b>pronounce</b> 4:11</p> <p><b>protocols</b> 15:23 16:5 20:4,15 60:13</p> <p><b>proven</b> 58:7</p> <p><b>provide</b> 54:12,20 73:19 90:3</p> <p><b>provided</b> 4:3 83:25</p> <p><b>provisions</b> 16:6</p> <p><b>Public</b> 102:6,22</p> <p><b>punishment</b> 76:6</p> <p><b>purpose</b> 4:2</p> <p><b>purposes</b> 38:3 62:20 82:9 88:3 97:11</p> <p><b>pursuant</b> 102:14</p> <p><b>purview</b> 22:15</p> <p><b>put</b> 12:11 26:15 50:23 66:4 95:3</p> <p><b>puts</b> 57:7</p> <p><b>putting</b> 62:4</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>quality</b> 12:23,25 13:1,2</p> <p><b>question</b> 5:5,8,10, 16,19 7:10 20:13 21:9 22:4 27:16 29:8,15,16 32:18 33:6 34:4,7,8 35:17 39:20 42:2,3 44:6,13 50:22 52:11 53:12 63:10,22 64:5, 8,12,18,22 65:16,22 68:10,12 69:10,20,23 70:5,10 71:4 75:4 77:18,24 78:9 79:20, 23 80:7,11 83:20 85:24 86:13 92:14 93:19,21 94:8,22 95:5 96:5,13 97:4 100:6</p> <p><b>questions</b> 27:8 36:24 79:25 94:11</p> <p><b>quick</b> 74:18,20</p> <p><b>quiet</b> 45:14</p> <p><b>quote</b> 23:16</p> <p><b>quote/unquote</b> 36:7</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Susan M. Fuehrer (Vol I) - April 02, 2019**  
**Deposition**

<p style="text-align: center;"><b>R</b></p> <p><b>Rachel</b> 52:17  <b>raise</b> 26:11  <b>raised</b> 80:18  <b>range</b> 23:21  <b>Raphaely</b> 17:8,23  18:3 26:25 28:2,5,13  29:1 40:15,21,23  41:4,12,16 42:19  43:2,17,22,24 44:8,17  45:3 46:19 47:2,14,15  48:2 49:19 57:18  58:2,15,23 60:6  61:18,22 63:24 64:12  66:9 67:7 68:5,19  69:11 70:19 73:7,10,  14 77:21 78:17 80:1,  10 89:20 90:2,7 99:12  100:1,5,11  <b>Raphaely's</b> 44:20  50:10 68:2 83:2,3  <b>rate</b> 91:13  <b>RDR</b> 102:21  <b>reaction</b> 39:16  <b>read</b> 21:2 33:3 38:11  39:9,10,12,15 42:3,6  45:10 46:7,10,17  47:6,11 50:8,12,20  51:23 52:1 54:18  55:21 61:5,9 63:9  69:9 70:19 71:5,22  73:20 75:21 76:11  79:20 85:19,21 86:16  88:12 89:3 95:4 98:19  101:6  <b>reading</b> 79:5 88:15  <b>ready</b> 94:8  <b>reality</b> 53:23  <b>realize</b> 34:2,4  <b>reason</b> 41:17 50:22  55:15 58:12,14 70:24  71:7,23  <b>reasonable</b> 15:9,21  22:6 67:3 84:10,19  85:8,9 86:22,23 87:1  91:5  <b>recall</b> 38:18 40:4,16  41:21 46:19 64:20,21,  22 73:20 74:2 91:19  92:5,12  <b>recalled</b> 90:11  <b>receive</b> 38:16  <b>received</b> 39:24 40:5  43:12 74:3,9  <b>receiver</b> 87:3  <b>receives</b> 27:10  60:14  <b>receiving</b> 24:21  38:14  <b>recent</b> 77:1</p>	<p><b>recently</b> 62:11  <b>recess</b> 34:19 45:22  <b>recognize</b> 82:15,17  <b>recollect</b> 38:14  <b>recollection</b> 21:3  45:11 47:4,9 64:15,16  74:25 92:18  <b>recommendation</b>  60:11  <b>recommendations</b>  57:17,21  <b>recommended</b>  58:19  <b>record</b> 4:15 5:2 6:7,  13,16,18 12:11,21  21:12 25:4,6 42:6  53:9 77:7,10 81:24  82:2 96:1,3,6 100:21,  24 102:11  <b>redacted</b> 46:14  <b>reduced</b> 102:10  <b>refer</b> 52:14  <b>references</b> 46:22  47:1  <b>referring</b> 17:14  88:19  <b>refresh</b> 21:3 45:11  51:25 92:6  <b>regard</b> 20:14 80:23  <b>region</b> 13:7  <b>regional</b> 19:18  <b>registered</b> 25:16  <b>regulations</b> 16:6  20:5,15 24:20  <b>relate</b> 27:24  <b>related</b> 22:20 32:20  33:8  <b>relations</b> 39:23  40:20 41:9 42:25  43:15 56:9 57:14 90:4  <b>relationship</b> 30:9,  13 33:17  <b>relative</b> 102:14,15  <b>remain</b> 31:11  <b>remark</b> 29:8 88:16  <b>remember</b> 9:18  51:20,22  <b>remind</b> 5:19,22  <b>reminders</b> 76:8,9  <b>repeat</b> 43:9 71:4  <b>rephrase</b> 83:20  <b>report</b> 18:10,13,17  28:9 35:24 36:2 41:16  44:24 45:6 47:18  49:22 51:8,19 53:15  55:23,24 64:1,4 70:23  73:21 74:24 75:5  80:18 89:3 91:17,24  92:3  <b>reported</b> 19:18 36:9  <b>reporter</b> 4:20 5:17</p>	<p><b>reports</b> 21:22 26:24  48:23 88:2  <b>represent</b> 6:2  <b>represented</b> 16:14  <b>request</b> 74:8  <b>requested</b> 42:5  102:12  <b>requests</b> 15:9  <b>required</b> 98:18  <b>requires</b> 56:13  <b>research</b> 12:13  <b>Reserve</b> 8:9  <b>resolution</b> 10:19,21  11:11,12 22:19 23:3,5  24:2 37:4  <b>resolve</b> 11:7  <b>resource</b> 43:15  <b>respect</b> 50:17 77:21  94:21  <b>responded</b> 74:8  <b>response</b> 29:3,19  <b>responsibilities</b>  15:8 17:4 42:17  <b>responsibility</b> 22:5,  15 24:4 28:13  <b>responsible</b> 18:6,11  <b>restate</b> 44:6  <b>restriction</b> 99:6  <b>resumé</b> 13:25  <b>retaliate</b> 43:25 44:8  <b>retaliated</b> 77:22  <b>retaliates</b> 58:7  <b>retaliation</b> 15:16  48:24 49:18 76:5  78:17 79:25 80:11  <b>retaliatory</b> 44:18  45:4 50:18 52:6 53:22  54:9 56:3 58:3  <b>review</b> 28:13,16  37:9,16 74:18,20  76:16,17  <b>reviewed</b> 102:13  <b>reviews</b> 13:4 41:11  <b>Rhonda</b> 89:8,16  <b>rights</b> 73:2  <b>ring</b> 63:1  <b>rise</b> 23:12 26:6 92:9,  22  <b>Robert</b> 26:20  <b>ROC</b> 35:8  <b>ROCS</b> 36:11 37:5  98:5,8  <b>role</b> 11:15 15:22 37:8  91:16  <b>Roman</b> 49:25  <b>Ron</b> 61:24 63:13  64:2 70:11,14 89:15  90:10  <b>Ronald</b> 4:21  <b>room</b> 34:22  <b>rose</b> 92:21</p>	<p><b>Ruchi</b> 4:22  <b>rule</b> 36:3  <b>ruled</b> 95:16  <b>rules</b> 4:3 5:4 16:6  20:5,14 24:19  <b>Russell</b> 8:14,17</p> <p style="text-align: center;"><b>S</b></p> <p><b>safety</b> 13:2,4  <b>satisfied</b> 76:17  <b>scenario</b> 73:12,13  <b>scenarios</b> 73:11  <b>school</b> 6:24 7:1,20  32:13  <b>Science</b> 8:3  <b>scope</b> 22:5,15 24:4,8  <b>seal</b> 102:17  <b>section</b> 43:15 74:13  <b>seek</b> 43:21 100:6  <b>seeking</b> 72:23  <b>sense</b> 99:6  <b>sentence</b> 49:16  <b>September</b> 19:6,8  <b>service</b> 17:7,8,12,  13,15 18:12 37:17,18,  19 40:1 48:20 59:15  68:6 72:20 100:7  <b>services</b> 15:18  <b>set</b> 60:13 102:17  <b>sets</b> 77:25  <b>sex</b> 67:3 87:7,8  <b>sexual</b> 28:7,17,21  29:7,10 44:3,10 82:8,  20 83:13,23 84:3,5,7,  15,18,21,23,24,25  85:15,22 86:2 87:7,  13,19 88:16,25 92:7,  9,25 93:12 95:8,16,  19,20 97:9 99:23  100:2,12,14  <b>share</b> 40:21 41:12,  14,18,23 42:10,18,24  70:10  <b>shared</b> 5:4 33:22  40:14 41:4,20 45:2  69:11  <b>sharing</b> 43:1  <b>sheet</b> 82:15,17 103:2  <b>sheet(s)</b> 101:12  <b>shortly</b> 67:13  <b>show</b> 54:12,21 74:3  82:4 91:25 92:15  96:1,3,7  <b>sick</b> 7:9  <b>side</b> 11:14 90:11  <b>sides</b> 93:8  <b>SIGN</b> 103:1  <b>SIGNATURE</b> 101:3  <b>signed</b> 89:10,12  101:17  <b>significant</b> 16:11  20:4,8 75:24</p>	<p><b>similar</b> 93:4  <b>simple</b> 53:12  <b>simply</b> 29:8  <b>Sindell</b> 4:8 6:1,13  29:23 33:3 34:3,9,14,  21 38:2 52:17,19  85:19,25 86:6,15  93:20 94:3,9,14,17  95:1,25 96:17,21,25  100:17  <b>single</b> 48:13 100:8  <b>sir</b> 11:4 41:20 52:2  61:6  <b>sit</b> 45:10 57:11 58:14  77:18  <b>sitting</b> 32:11  <b>situation</b> 28:12  29:18 80:6  <b>Skipping</b> 77:24  <b>sleep</b> 57:7  <b>Slow</b> 9:23  <b>small</b> 16:14  <b>smooth</b> 35:21  <b>sneak</b> 45:16  <b>socially</b> 33:20  <b>software</b> 13:16  <b>solicit</b> 68:20 71:1,8,  17  <b>solicited</b> 71:13  <b>soliciting</b> 44:2  <b>somebody's</b> 29:9  <b>someone's</b> 62:5  <b>source</b> 100:13  <b>speak</b> 28:15 42:11  43:4 73:10 77:25 78:1  92:22  <b>speaks</b> 65:8 70:18  78:19 81:12  <b>special</b> 38:10  <b>specific</b> 27:16,19  28:12 45:1 58:11 60:4  87:14  <b>specifically</b> 40:4  45:2  <b>specifics</b> 28:10  <b>spell</b> 59:20  <b>Spicer</b> 44:24 45:2,5  46:5 50:24 51:1 80:18  <b>Spicer's</b> 75:5  <b>spoke</b> 27:25  <b>spoken</b> 60:1 81:15,  16  <b>spot</b> 96:2,11  <b>SS</b> 102:4  <b>staff</b> 17:11 18:11,15,  17 21:22,24 42:16  43:12 60:25  <b>stage</b> 90:18  <b>stamping</b> 8:21,23,  24,25  <b>standard</b> 41:22  42:18 84:13</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Susan M. Fuehrer (Vol I) - April 02, 2019**  
**Deposition**

<b>standards</b> 83:14,18 <b>stands</b> 59:11 <b>start</b> 9:5 63:21 66:22 <b>started</b> 9:9 15:4 68:1 70:1 <b>starting</b> 76:13 <b>state</b> 6:6 13:8,14 102:4,7,22 <b>stated</b> 76:22 <b>statement</b> 21:16 27:21 29:19 31:2 89:7,13 <b>statements</b> 63:11, 23 <b>States</b> 4:17 <b>stenotypy</b> 102:10 <b>step</b> 10:13,14 28:8 36:22 <b>steps</b> 59:5 60:13,18 <b>Steve</b> 6:1 34:5,6 86:3,8 93:17 94:13, 15,21 96:20 98:7 <b>stipulations</b> 102:14 <b>Stokes</b> 14:12,14 25:9,10 <b>stories</b> 44:9 <b>strictly</b> 99:4,16 <b>strong</b> 12:20 52:9 96:7 <b>student</b> 9:12,19 <b>style</b> 44:20 <b>subject</b> 40:18 46:20 47:23 <b>subjected</b> 58:25 <b>subjective</b> 61:10 <b>subjects</b> 30:22 <b>submit</b> 101:10,12 <b>submitted</b> 46:3,5 <b>subordinates</b> 16:21,22 <b>subsequent</b> 12:2, 14,15,23 <b>successfully</b> 57:19 <b>summary</b> 11:15 <b>superiors</b> 56:17 57:5 <b>supervised</b> 12:8 <b>supervising</b> 11:25 <b>supervisor</b> 24:20 27:10 42:1 52:12 59:7 <b>supplies</b> 16:24 <b>supposed</b> 24:16 <b>supposedly</b> 44:4 <b>surfaced</b> 66:15 68:13 <b>surfacing</b> 67:6 68:1 <b>surrounding</b> 49:17 <b>Susan</b> 4:1,7,19 6:8 101:6,15 <b>suspect</b> 27:8 <b>suspended</b> 60:20	<b>suspicious</b> 68:15 <b>suspiciously</b> 67:14 <b>switch</b> 18:1 <b>sworn</b> 4:4 62:10,25 81:9 102:9 <b>systems</b> 13:15 16:5	<b>time</b> 9:16 11:10,16 13:22 16:4 17:16 19:10,15,25 20:1,7,14 23:4,18,20 24:15 30:21 31:6 39:24 45:5,15 46:10 53:5 54:13,21 55:1 64:25 79:15,17,19 81:1,23 88:18 91:24 93:5 94:4,12 97:6 100:18 102:13 <b>time's</b> 100:18 <b>times</b> 65:25 73:22 74:14,22 75:23 85:24 86:1,10,13 87:11 94:22 <b>times.'</b> 61:4 <b>title</b> 21:17 91:10 <b>TMS</b> 59:10,11 <b>today</b> 4:19 <b>told</b> 36:19 64:11 65:12 66:4,14 67:19 69:13 80:2 92:7 <b>Tolland</b> 7:21 <b>tone</b> 88:21 <b>Tones</b> 60:25 <b>top</b> 50:1 <b>totally</b> 96:10 <b>training</b> 31:10 58:22,23,25 59:3,6,8, 12 60:2 <b>transcribed</b> 102:11 <b>transcript</b> 62:15,19 85:17 86:12 101:8 103:1 <b>treated</b> 50:17 70:21 <b>treatment</b> 49:18 <b>trouble</b> 70:16 <b>true</b> 65:9,10,17,21, 23,24 66:1 78:13 89:15 92:2 101:8 102:11 <b>truth</b> 78:3,4 79:24 102:9,10 <b>truthfully</b> 78:15 <b>turn</b> 62:24 68:24 77:14 78:22 88:10 <b>type</b> 25:25 29:12 <b>typed</b> 89:12 <b>typewriting</b> 102:11 <b>typically</b> 11:1	<b>understand</b> 5:6,24 6:4 17:22 20:2 23:18 27:17 28:9 36:24 38:24 42:15 78:5 79:5 81:7,8,17,18 86:25 87:18 89:8 94:13,23 95:1 99:21 <b>understanding</b> 23:14 49:21 83:22,24 84:15 89:11,14 <b>understands</b> 73:2 <b>understood</b> 5:11 14:24 25:12 81:19 87:12 <b>undertaking</b> 49:16 <b>unequal</b> 49:18 <b>United</b> 4:16 <b>University</b> 7:17,24 9:8 <b>unreasonable</b> 84:20,23 87:1 <b>unredacted</b> 46:17 <b>unwanted</b> 84:1 85:6,13 86:20 87:3 <b>unwarranted</b> 96:10 <b>unwelcome</b> 85:13 <b>unwelcomed</b> 83:25 <b>upcoming</b> 61:18 <b>upper</b> 69:6 <b>upset</b> 35:13 <b>upsetting</b> 77:20	<div>W</div> <b>wanted</b> 68:10,18 73:8 79:2 80:2 <b>wanting</b> 50:16 <b>warrants</b> 76:16 <b>wasting</b> 94:4 <b>Waters</b> 6:12 <b>ways</b> 20:11 81:19 <b>week</b> 32:13 <b>weekend</b> 31:14,23 <b>Western</b> 8:9 <b>Westlake</b> 6:10,12 <b>Whereabouts</b> 6:23 <b>WHEREOF</b> 102:17 <b>wife</b> 52:24 53:4,6 <b>Wilkie</b> 4:16 <b>withdraw</b> 30:8 <b>withdrawn</b> 15:24 20:18 21:14 23:8 26:19 37:1,2 43:9,23 58:13 60:5,11 61:7 66:7 <b>witness'</b> 86:9 <b>witnesses</b> 46:23 <b>wonderful</b> 96:21 <b>word</b> 5:13,18 63:2 76:13 103:1 <b>words</b> 48:1 50:5 62:5 87:2,4 95:3 <b>work</b> 9:4,19 15:16 30:14,15,17,19,20 31:6,11 32:4,21 33:9 35:6,21 47:12 50:1 55:1 84:22 93:4 <b>worked</b> 7:2,5 19:19 47:12 <b>working</b> 9:9 31:6 41:10 70:1 76:23 <b>works</b> 91:8 <b>worry</b> 53:8 <b>write</b> 62:7 64:11 69:19 70:22 72:2,6 91:23 103:1 <b>writing</b> 35:9 82:18 102:10 <b>written</b> 35:25 36:7 50:23 <b>wrong</b> 58:7,16 84:18 <b>wrote</b> 64:1 89:10 91:17	
		<div>T</div> <b>T-O-L-L-A-N-D</b> 7:21 <b>table</b> 57:8 <b>talent</b> 59:10 <b>talk</b> 30:19 31:5,12 32:10 34:17 36:12 47:15,19,22 48:12 49:6 81:4 89:21 90:10,16 93:7,13 95:9,21 99:2,5,14 <b>talking</b> 11:10 14:18 15:25 17:23 19:2 26:13 48:1 68:25 70:11 73:11 75:10 79:9 87:12 <b>technically</b> 25:22 <b>technology</b> 12:15 13:15 <b>techs</b> 26:3 <b>telling</b> 62:7 79:24 93:23 <b>ten</b> 15:7,20 <b>ten-year</b> 16:11 <b>tendency</b> 5:14 <b>term</b> 17:16 18:24 37:19 <b>terms</b> 18:25 <b>testified</b> 46:24 <b>testify</b> 78:15 102:9 <b>testimony</b> 21:7 31:25 37:11 43:18,19 57:8 58:5 61:19 62:10,25 65:5,8,14 68:14 70:17 71:3,11, 12,20,22 72:3 78:19 79:21 81:9,12 86:9, 11,12 101:8 102:12 <b>theme</b> 76:4 <b>thing</b> 25:25 29:12 35:20 40:17 45:11 53:18,20,24 54:7,9 55:9,11 64:6 <b>things</b> 15:2 22:10 26:3 28:24 30:20 39:11 47:3 48:25 77:19 <b>thinking</b> 53:3 <b>thought</b> 19:24 37:20 39:22 87:12 92:25 93:12 94:19 95:7 96:22 97:1 <b>threatened</b> 72:5 <b>three-page</b> 38:8 <b>throw</b> 68:10	<div>U</div> <b>U.S.</b> 4:22,23 <b>um-hmm</b> 5:14 <b>uncomfortable</b> 27:22,25 35:2 36:13 69:15 70:2 <b>uncommon</b> 61:3 <b>undergraduate</b> 7:1, 13	<div>V</div> <b>VA</b> 9:9,13,14 10:14 12:20 13:13 14:11,17 17:7 18:18 19:15,21 21:16 22:6,23 25:8,9 47:20 48:11,21,22 54:7 59:9 83:14,18 100:2,12,14 <b>VA's</b> 83:22 84:15 <b>vast</b> 51:3 <b>Verb</b> 89:8,16 <b>verbal</b> 26:6 28:10 87:3 <b>version</b> 46:14,17 <b>versus</b> 4:16 11:14 <b>Veterans</b> 13:9 <b>victim</b> 97:11,18 98:17,22 99:3,4,12,15 <b>view</b> 31:16 95:19 <b>viewed</b> 95:20 <b>vindictive</b> 44:18 45:3 50:18 52:6 53:14,15,17 55:19,22 56:3 58:3 <b>vindictiveness</b> 48:24 <b>violation</b> 53:8 <b>VISN</b> 13:8	<div>Y</div> <b>year</b> 12:16 23:22 40:9,11 49:4 50:9 <b>year-and-a-half</b> 50:9 <b>years</b> 6:20 9:21,22 10:1 11:10 13:19 15:4,7,20 67:23 93:4

**Susan M. Fuehrer (Vol I) - April 02, 2019  
Deposition**

**yelling** 60:24 61:3  
**yesterday** 74:6,7